BENGAL SECRETARIAT 8 JUN. GOVERNMENT

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES.

DURING THE YEAR

1871.

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Proceedings of the Hon'ble the Lieutenant-Governor, in the Judicial Department, No. 1448, dated 24th April 1872.

No. 695.

FROM

J. A. E. MILLER, ESQUIRE,

OFFICIATING REGISTRAR, CHIEF COURT OF THE PANJAB.

To

LEPEL H. GRIFFIN, ESQUIRE,

OFFICIATING SECRETARY TO GOVERNMENT, PANJAB.

Dated LAHORE, *11th March 1872.*

SIR,

Chief Court of the Panjab.
CRIMINAL DEPARTMENT.
PRESENT :—
C. BOULNOIS, ESQR., C. R. LINDSAY, ESQR., J. S. CAMPBELL, ESQR. } Judges.

I am directed to submit the following Report on the Administration of Criminal Justice in the Panjáb during the year 1871.

Modification of Returns.

2. The returns of Commissioners and Deputy Commissioners are, for the most part, in the same form as for 1870. The few changes considered necessary were explained to local officers in the Court's Circular Memo. No. 31 of 20th December 1871. The principal changes were as follows :—

A new return was prescribed to show the work of Deputy Commissioners invested with enhanced powers under Sections 445*A*, and 445*B*. of the Criminal Procedure Code. The punishment return was modified so as to show the number of persons liable to whipping, as well as those actually whipped. The list of subjects to be reported on was revised.

Omission of local Reports and Returns.

3. In the same way as last year, the local returns, which are necessary merely for the compilation of the General Report, are omitted from the printed appendices, and the local reports are not printed in extenso, the main facts and opinions contained therein being incorporated in this Report. The *order* of the subjects in the present report

Re-arrangement of subjects.

however has been re-arranged under the following principal heads, each of which has its appropriate series of minor heads.

I. Original Jurisdiction of Magistrates and Sessions Judges.

II. Procedure of ditto.

III. Punishments of ditto.

IV. Preventive jurisdiction of Magistrates.

V. Appellate jurisdiction of Sessions Judges and Magistrates of districts.

VI. Chief Court jurisdiction.

VII. Administrative measures and general statistics.

I.—ORIGINAL JURISDICTION.

Offences reported.

4. The number of offences reported during 1871 was 81,489, as compared with 73,224 in 1870, being an increase of 8,265. In 1869 the number was 75,325, and in 1868 it was 69,500. The number of offences struck off, on the report of the Police that no offence had really occurred, was 2,912, which is very little more than last year. The increase was greatest in Bailable offences, thus :—

Offences reported.	Non-bailable, (increase,) ...	2,006
	Bailable, do., ...	3,750
	Cases under Criminal Procedure Code, do.,	2,509
	Total increase, ...	8,265 cases.

Greater care is now exercised in striking off offences. The Deputy Commissioner of Kohát struck off none at all. His explanation on the point is not very clear. He says—

> "It is worthy of remark that no offences reported to have occurred have been struck off on application of the Police. Possibly had this been done in the case of every mislaying or non-finding of property (afterwards found) hastily reported as a theft, many an offence entered in column 3 of statement II might justly have been struck out."

The Deputy Commissioner of Jhang remarks that, in cases of alleged receiving of stolen property, where the property is on investigation proved to belong to the possessor and not to the complainant, the offence is thus disproved and is struck off the register; and in all other cases the Deputy Commissioner before striking off called for a preliminary report from the Tahsildar. The proportion struck off, however, in that district was above the average, and

this system must cause much labor to the Tahsíldar, which might be performed by the Deputy Commissioner. In Derah Ismail Khán no cases were struck off. The Deputy Commissioner says—

"The system of striking cases off the register on application of the Police is not followed in this district, as the Police are directly under magisterial control, and cases which after enquiry are found never to have occurred are not entered in the register."

In Hazárá no cases were struck off, and no explanation is given by the Deputy Commissioner, who, however, believes that many offences against property in the less populated tracts are not reported at all.

In the frontier districts, except Pesháwar, the police are directly under the Magistrate, and this may account for some difference in the mode of keeping up the register of offences.

5. The per-centage of cases struck off has now reached a tolerably safe minimum, being only three and a half per cent, but in particular districts a further reduction may still be looked for, especially as regards non-bailable offences, *viz.*, in Jhelam, Gurdáspúr, Ráwalpindi, Sháhpúr, Júlandhar, Amritsar, Gujrát, and Montgomery. It is better that a few mistakes should be made in reporting that offences have occurred when they have not, than that people should be deterred from reporting, or the police be deterred from admitting mistakes. The evil to be guarded against is the too ready striking off of offences in cases where no actual mistake has occurred, and the Police have merely failed in the enquiry. Every Magistrate must bear in mind that the striking off of cases is not a matter that depends merely on the opinion of the Police, but that he is bound to satisfy himself of the probable occurrence or non-occurrence of the offence, as he is responsible that his register includes all offences which he *admits* to have occurred, and excludes only those that he admits *not* to have occurred.

Taking all kinds of offences together the figures are highest in Lahore, Amritsar and Pesháwar, but to show the relative state of crime in different districts, it is essential to distinguish between bailable and non-bailable offences. In Amritsar there were more bailable offences than non-bailable; while in Pesháwar there were twice as many non-bailable offences as bailable.

Cases brought to trial.

6. The total number of cases brought to trial was 64,596, being 6,257 more than the previous year; the increase being almost entirely under the head of bailable offences, that of non-bailable

cases being only 92. The increase of non-bailable cases amounts to a half per cent. only, while the increase of bailable cases amounts to 16 per cent. In other words, during 1871 serious crime increased very slightly, while petty crime increased considerably as compared with the year 1870.

Non-bailable offences brought to trial.

7. The annexed table shows the proportion of non-bailable offences that were brought to trial. The results vary considerably in different districts: the highest proportions being in Gurdáspúr, Muzaffargarh, Derah Ismail Khán and Derah Ghází Khán, and the lowest in Pesháwar, Hazárá and Kohát.

DISTRICTS.	Proportion of non-bailable cases brought to trial to offences reported.	Proportion of non-bailable cases brought to trial to offences admitted to have occurred.	Proportion of non-bailable cases struck off to offences reported.
Dehli, ...	50	50	3
Gurgáon, ...	49	50	3
Karnál, ...	44	47	4
Hissár, ...	55	59	6
Rohtak, ...	57	63	10
Sirsa, ...	54	56	3
Ambálah, ...	42	43	3
Ludhiánah, ...	36	38	6
Simla, ...	62	67	7
Jálandhar, ...	47	53	11
Hoshiárpúr, ...	61	64	5
Kángra, ...	66	70	5
Amritsar, ...	48	55	11
Gurdáspúr, ...	73	85	13
Siálkot, ...	37	40	7
Lahore, ...	38	40	4
Firozpúr, ...	56	56	·6
Gujránwála, ...	67	68	·6
Ráwalpindi, ...	48	55	12
Jhelam, ...	38	49	21
Gujrát, ...	42	46	9
Sháhpúr, ...	44	51	12
Multán, ...	51	53	3
Jhang	56	61	9
Montgomery, ...	62	68	9
Muzaffargarh, ...	70	74	5
Bannú, ...	49	49	1
Derah Ismail Khán, ...	72	72	...
Derah Ghází Khán, ...	84	93	9
Pesháwar, ...	36	37	2
Hazára, ...	35	35	...
Kohát, ...	36	36	...

The districts showing the largest increase of non-bailable cases are—

Gurdáspúr,	...	...	49 per cent.
Kohát,	...	...	32 „
Sháhpúr,	...	...	26 „
Gujrát,	...	...	25 „
Bannú,	...	...	20 „
Montgomery,	...	...	18 „
Jhelam,	...	...	18 „
Muzaffargarh,	...	...	13 „
Gujránwála,	...	...	10 „

Causes of increase in non-bailable offences in certain districts.

8. In Gurdáspúr the increase is said to be owing to a larger number of troops having been sent up to Dalhousie, but chiefly to greater energy on the part of the Police.

The increase in Kohát was chiefly in cattle thefts in the Upper Miranzai tract, the causes of which were to form the subject of a separate report to the Commissioner.

In Sháhpúr the increase is partly in cattle thefts. There was also an increase of prosecutions for false evidence and the like. In Gujrát the increase was in cattle thefts.

In Bannú there was an increase of cattle thefts in the Mianwalí and I'sa Khel Pergunnahs, owing to drought and distress in those tracts. There was also a slight increase in murders and attempts to murder; but a decrease in "regular Bannú assassinations",—a decrease in house-breaking,—and a decrease in crime generally on the extreme border.

In Montgomery there was an increase of cattle thefts brought to trial, owing, in the opinion of the Deputy Commissioner, to the introduction of a system of Zaildars or Surgarohs, who assist the police in bringing such cases to light.

The increase in Jhelam has not been distinguished by the Deputy Comissioner from the increase in bailable offences.

In Muzaffargarh there was a nominal increase in thefts, as cases of theft of wood from Government rukhs were brought into the regular criminal returns, instead of being, as formerly, classed as revenue cases.

In Gujránwála, though there were more cases brought to trial, there were fewer offences committed. There was an increase in cattle thefts. The failure of the Police in this district was chiefly in the various forms of house-trespass. There was an increase in cases of receiving stolen property.

9. The districts showing the largest decrease of non-bailable cases are—

Gurgáon,	...	35 per cent.
Jálandhar,	...	27 „
Karnál,	...	27 „
Sirsa,	...	20 „
Hazárá,	...	20 „
Multán,	...	19 „
Hissár,	...	17 „
Derah Ghází Khán,		17 „

Causes of decrease of non-bailable offences in certain districts.

10. The decrease in Gurgáon and Karnál is attributed to the better harvest, and in Hissár and Sirsa partly to so many people having left the district with their cattle during the famine, and to others having gone to the canal works at Rúpar. The decrease in Jálandhar is in part attributed to continued agricultural prosperity. In Hazárá cases of murder and violent crime decreased. In Multán the decrease is reported to be owing to the severity of the sentences passed in cases of cattle theft. In Derah Ghází Khán cattle thefts were checked by the restoration of the system of River Police and other vigorous measures taken for the repression of this crime.

Bailable offences.

11. Bailable offences show the largest increase in the following districts :—

Muzaffargarh,	...	80 per cent.
Dehli,	...	77 „
Bannú,	...	50 „
Hazárá,	...	43 „
Siálkot,	...	34 „
Lahore,	...	33 „

Causes of general increase in bailable offences.

12. In Muzaffargarh the increase is due partly to more Courts having been at work—two Honorary Magistrates having been appointed. An increase occurs in cases of nuisance, &c., under Section 34 of the Police Act, and in cases of enticing away married women under Section 498 of the Penal Code. In Delhi the increase is owing to the

inclusion of cases in which the Board of Honorary Magistrates "admonished the parties without inflicting punishment, which were excluded in former years.

In Bannú the increase was chiefly in cases of assault, hurt, and enticing away women. The Deputy Commissioner remarks :—

"I think that formerly persons were not encouraged to bring these petty cases, but this was a mistake, as here, when persons are allowed to take the law at all into their own hands they go on to further and greater deeds of violence, having been encouraged by their escape from punishment in the first instance. Cases of married women being enticed away were also treated with great leniency, so that husbands almost ceased to prosecute."

In Hazárá the increase was chiefly under the head of assault and mischief. The Deputy Commissioner says—

"The action of the Settlement Courts has doubtless revived many old feuds and occasioned new animosities, which have thus found vent, and many prosecutions for assault have been originated merely to harass those against whom they were directed. The same spirit showed itself in numerous cases of rick burning, but the value of the property destroyed was petty. The owners gave no assistance to the Police, and there is every reason to believe retaliated on the stacks of those whom they suspected."

In Lahore the increase is chiefly in cases under the Excise and Stamp Acts, and the Canal, Cattle Trespass, Cantonment, Police, and Municipal Acts.

In Siálkot there is an increase in cases of hurt, and of enticing among married women, which the Deputy Commissioner attributes to the reduction of the stamp on complaints.

Instances of decrease of bailable offences.

13. The only considerable decrease of bailable cases was in Gurgáon 21 per cent, and Sirsa 18 per cent, where there was a large decrease in non-bailable cases also.

CLASSIFICATION OF OFFENCES.

Non-Bailable of offences.

14. The non-bailable offences committed come chiefly under the following heads :—

		Persons tried.	*Persons convicted and committed.*
Offences affecting the human body,		2,108	1,096
Offences against property,	...	25,352	18,801
„ relating to coin,		174	102
„ relating to marriage,		41	12
„ against public justice,	...	24	9
„ relating to documents,	...	73	44
Abetments,	...	19	4

15. There were 366 murders of all kinds reported, for which 778 persons were brought to trial, of whom 419 were convicted. Of these, 108 murders were on account of women, involving 271 persons, of whom 140 were convicted, and 118 acquitted. The per-centage of convictions in murders of all kinds was 56, and in murders on account of women 54.

Murder cases.

16. The Commissioner of Pesháwar is of opinion that murders on account of women will decrease now that women are, under the Frontier Rules, liable to punishment for adultery. Of 93 murders in Pesháwar, 90 were committed by British subjects, and only 3 by men from independent territory; 39 of these murders were on account of women, 22 were committed by thieves, and the rest from various motives.

The result of the 93 murders in Pesháwar was, that five persons only were sentenced to death, five transported for life, and one for a term. In 29 cases the accused were discharged by the Magistrate, and in 20 cases acquitted by the Sessions Court, in 17 the criminals were not known, and in 11 they absconded. These results in the turbulent district of Pesháwar are not very satisfactory.

The Deputy Commissioner says—

"Crime in this District has not decreased, and it is difficult to satisfactorily explain all the causes that tend to keep up the high rate; one certainly is the difficulty of obtaining reliable evidence, the men accused are consequently discharged and others commit similar crimes feeling that the chances of escape are in their favor. I allude chiefly to the crime of murder. The working of the Police is open to improvement, but they will not be able to do much in cases where the community side with the criminals, and where the relations of the murdered person prefer to wait for an opportunity of avenging the murder to avoid the trouble and expense of a prosecution, in which the evidence for conviction as required by the law is so difficult to obtain. The enforcement of communal responsibility in judiciously selected cases will, it is hoped, gradually enable the Police to obtain evidence, while it will also tend to check crime. I have lately arranged all cases connected with the frontier separately according to tribes, the tribal bundles of cases being tied up in cloth of the color of the Tahsil on the border of which the tribes are respectively located.

"A register of each tribe has been prepared, and a register of all offenders, also according to tribes, who have been mentioned in different cases of crime, is under preparation, these arrangements will it is anticipated greatly facilitate the adjustment of cases in which the tribes may from time to time be concerned, and measures for the arresting of noted border offenders can always be taken with certainty. A register for the entry of border cases is also kept separately in my own office as they occur."

17. Special enquiry made on the subject by desire of the Secretary of State, shows that "wife murder" is not common in the Panjab. For the last 6 years the number of such cases annually has been about 30.

Wife murder

18. The Deputy Commissioner of Gurgáon remarks that suicides of women are frequently reported in his district, the mode of death being usually by drowning in a well, and he suspects that murders may occasionally be passed off in this way.

Suicides.

19. The Deputy Commissioner of Kohát makes some remarks on the effect of the Frontier rules, and regrets the absence of a provision to enable the district authorities to banish a man from the district, or from his village, until the anger of his enemy has been appeased in the manner prescribed by Puthan custom, by a "supplicatory jirga." The Commissioner of Peshâwar thinks this question is one deserving of notice.

Frontier Rules.

20. In cases of culpable homicide the number of persons convicted was exactly the same as in 1870, namely, 269.

Culpable homicide.

21. Cases of grievous hurt by dangerous weapons show a slight increase. There were 92 persons tried, of whom only 48 were convicted.

Grievous hurt.

22. There is also an increase in cases of administering stupefying drugs.

Drugging.

23. There was an increase in cases of kidnapping or abduction, but a decrease in convictions. The general subject of kidnapping women and minors is much discussed in the local reports in compliance with the Court's Circular Memo. No. 24 of 2nd October 1871, circulating an enquiry by the Secretary of State on the subject. This will be separately reported on. The general result is that the crime does not prevail to any alarming extent, and in many districts it is unknown.

Kidnapping and abduction.

Thefts

24. The statistics of theft are as follows :—

	Offences.	Persons.	
		Brought to trial	Convicted.
Ordinary thefts, ...	11,021	9,517	6,185
Attempts at, ...	155	225	159
Cattle theft, ...	6,031	5,222	3,501
Attempts at, ...	12	9	4
TOTAL,	17,219	14,973	10,149

25. The convictions in ordinary thefts amount to 68 per cent. of the persons tried, and in cattle thefts to 67 per cent., but cases reported are brought to trial more generally in cattle thefts than in thefts of other property. Cattle are easier to trace than other property, and false reports in such cases are less common. The statistics of cattle theft are very like those of the previous year, but in ordinary thefts there were more cases and more persons tried, but fewer convictions, a result which is somewhat unsatisfactory.

26. Cattle thefts are frequent in the great grazing districts of the Multán Division, and in Sháhpúr and parts of the Derajat, also in Siálkot and Gujránwála.

27. The Deputy Commissioner of Gujránwála notices that in cattle thefts the Police are apt to rely too much on confessions, and that sometimes one of a party is made to confess, while the rest escape. The system of Zaildars was not found in this district to meet the crime adequately. In Montgomery, however, the system in an improved form was much relied on; it was found that by its aid more cases were traced. In Montgomery the Zaildars, or Sargarohs, (selected village headmen) are allowed to nominate village trackers to assist them, instead of the ordinary village watchmen. In Gujránwála what is called the Zaildaree system is something different. The Zaildars are men supposed to possess local knowledge and influence, and in some instances have themselves belonged to the cattle-thieving class. The Deputy Commissioner reports that they all gradually deteriorate and return to their hereditary profession. The difference between the two systems is, that in Gujránwála the Zaildars are a few individuals invested with *quasi*-police duties, six of them being actually paid as Police Officers; while in Montgomery an attempt is being made to make all the important and efficient village headmen responsible for reporting and tracing cattle thefts occurring in their immediate neighbourhood. This system seems more likely to succeed than the other.

In Jhang the Zaildars give general assistance, but get no police pay. In this district the new grazing system tended to check cattle theft. Under this system grazing tracts are marked off into definite blocks, and tickets are taken out for the privilege of grazing in such blocks. All the cattle, and the graziers in the grazing tracts, are thus known and under control, instead of wandering over the face of the country. A system of River Police has also been started with good effect: this system is also adopted in Derah Ghází Khán. Stolen cattle are frequently conveyed many miles down the great rivers; posts of watchmen are, accordingly, located at bends in the rivers, where the cattle can be seen and seized,

The Deputy Commissioner of Montgomery thinks the ordinary punishments for cattle theft are not sufficiently deterrent.

In Sháhpúr, the Deputy Commissioner ordered all exchanges of cattle to be reported to the Lamberdars of villages. In this District the motive for stealing cattle was believed in many cases to be actual hunger, as the cattle in 40 cases are said to have been killed and eaten for food. This, however, requires confirmation, as cattle may sometimes be reported to be killed, when in reality they have been sold and taken to a great distance; cattle are also occasionally killed for the sake of the skin. In Siálkot the increase of cattle thefts is attributed to the greater value of cattle. This reason is doubtful.

Robberies.

28. Robberies of all kinds were 446 in number; 465 persons were brought to trial, of whom 216 were convicted.

Receiving stolen property.

29. Cases of dishonestly receiving stolen property show an increase, but the convictions were fewer in proportion.

Lurking House Trespass.

30. Cases of lurking house-trespass show an increase from 1,957 to 2,898, but the persons brought to trial increased only from 464 to 523, and the convictions from 326 to 356. A low per-centage of convictions to arrests in this class of cases might be explainable on the ground that it is easy to prove an innocent intent; but it is difficult to explain why the proportion of persons brought to trial, to offences reported, should be so low, unless it be that the Police frequently fail in such cases, as surmised by the Deputy Commissioner of Gujránwála. The same remarks apply to the offence of lurking house-trespass, or house-breaking in order to the committing of theft, of which there where 9,259 cases reported, for which 4,216 persons were brought to trial, and 2,780 convicted. Such trespasses in order to commit offences other than theft show a decrease, but in all cases of this class it is difficult to preserve correct classification.

False evidence, non-bailable.

31. Cases of false evidence are few, not because false evidence is seldom given, but because the offence is difficult to prove, and officers have not time to prosecute. Of 15 persons brought to trial for giving false evidence (Sections 191, 194 and 196 Indian Penal Code) all were acquitted, while 9 persons brought to trial for fabricating false evidence (Section 192) were all convicted.

It is only the very clear and flagrant cases that are taken up, and even these frequently fail; the unwillingness to take up such cases is enhanced by the

fact that they must be tried by a Court of Session. The Deputy Commissioner of Kángra would treat them as contempts and punish summarily, but the Commissioner of Jálandhar does not agree with him.

False evidence, bailable.

32. Several cases occurred in Sháhpúr, and some examples in Jhang are said to have had a good effect. Most of these cases, however, were of the bailable class, under Section 193, under which 186 persons were tried, of whom 105 were convicted.

Bailable offences.

33. Of Bailable offences the following are most common :—

	PERSONS.	
	BROUGHT TO TRIAL.	CONVICTED.
Rioting, ...	5,502	4,107
Affray, ...	1,443	1,070
Assault, ...	29,112	7,395
Hurt, ...	8,782	2,895
Mischief, ...	4,062	2,045
Enticing away married women, ...	3,733	607
Disobedience, (Section 188), ...	785	587
Cheating, ...	886	354

Affrays.

34. Affrays show a decrease, but this is partly a question of classification.

Assaults.

35. Assaults show a considerable increase, but the proportion of convictions is the same, being 25 per cent only. This item disturbs the entire calculation founded on the totals of convictions and acquittals in bailable offences. Assaults are still too frequent in particular districts, notably in the Amritsar, Jálandhar and Ráwalpindi Divisions, and in the Districts of Ambálah, Lahore and Pesháwar. In these districts, 20,886 persons were brought to trial for assault, and only 4,571 of them, or 22 per cent, were convicted. In some districts the per-centage of convictions was exceedingly low, *viz.* :—

Gujrát, ...	10	per-cent,
Amritsar, ...	13	„
Jhelam, ...	14.	„
Jálandhar, ...	16	„

Where this is the case, the proportion of convictions to the total of bailable offences seems abnormally low. In comparing results on this point, it is necessary to exclude the assault and hurt cases, as the proportion of such cases is very variable in different localities. The causes of this variation are not very apparent, but it must be due in some measure to the character of the people, and the degree of judgment displayed by officers in dealing with complaints. If summonses are too freely issued on petty complaints, the primary object of the complainants, namely, the annoyance of the accused, is gained, and such cases are unduly encouraged; while, on the other hand, a refusal to issue a summons where no material injury has been caused to the complainant, is a wholesome check on such complaints.

36. The distinction between assault and hurt is not always sufficiently kept in mind. Out of the 8,782 persons brought to trial for hurt, no less than 3,279 were brought to trial in the Amritsar district; many of these could more appropriately have been tried for assault. The distinction is important, because the offence of hurt being punishable with more than six months imprisonment requires to be tried with all the formalities prescribed in Chapter XIV of the Code, while the offence of assault is triable under the summary procedure of Chapter XV. Moreover, in the latter case, the complainant can be fined under Section 270 for bringing a frivolous or vexatious complaint, while in the former case he cannot. All this has been frequently pointed out to the officers of the districts concerned, and it is hoped the distinction will be better attended to in future.

Vexatious complaints.

37. It is strange how a particular class of case becomes as it were the "fashion" in a place. For instance, in Montgomery, the people, and especially thieves, are in the habit of bringing complaints of criminal intimidation, or "pesh bundi" petitions as they are called, the object of which is merely to put on record that certain parties are inimical to the petitioners. The latter, when charged with theft or some other offence by the person mentioned, bring forward these "pesh bundi" proceedings to disprove the accusation. The device is a very poor one, and would appear to be usually unsuccessful, as the complaints are usually disposed of without issue of summons.

There are also other classes of charges, which, judging from the number of acquittals, seem to be brought forward merely to annoy the persons accused; such as insult (Sections 504—509) for which 468 persons were brought to trial,

and only 133 were convicted; defamation, for which 198 persons were brought to trial and only 25 were convicted; religious insult, 103 brought to trial, 21 convicted. Most of these complaints are in reality "vexatious," and should be discouraged; as a resort to the Criminal Courts in every trivial disagreement tends to foster an unmanly spirit among the people.

Bribery.

38. Bribery is one of those offences which it is difficult to prove. There were 249 persons brought to trial for it, of whom only 79 or 32 per cent., were convicted.

False claims.

39. Making a false claim in a Court of Justice is another offence of the same kind, but the results here are somewhat better, as 45 persons were convicted out of 102 brought to trial.

Offences against Courts of Justice.

40. Offences against Courts of Justice, under Section 228, have decreased from 147 to 110, for which 122 persons were tried and all but four convicted. It is not clear whether any contempts punishable summarily under the Procedure Code have been here shown by mistake; probably they have.

Nuisances.

41. For nuisances 1,832 persons were brought to trial, of whom 1,537 were convicted. These are in addition to nuisances punishable under such Special Laws, as the Police Act and Municipal Rules.

Adultery.

42. In cases of adultery the convictions were only 36 out of 157 persons brought to trial.

Cases under Special and Local Laws.

43. The principal cases under Special and Local Laws, including the Procedure Code, are—

	Persons.	
	Brought to trial.	Convicted.
Contempts, Section 163 Criminal Procedure Code, ..	322	312
Frivolous and Vexatious Complaints, Section 270, ...	464	464
Excise or Abkaree, ...	506	375
Opium, ...	173	87
Stamps, ...	516	407
Canals, ...	947	577
Gambling, ...	1,368	1,064
Cattle Trespass, ...	1,641	660
Arms, ...	229	137
Cantonments, ...	3,456	3,295
Police Act, Section 34, ...	4,904	4,415
Nuisances, Act XXVI of 1850, ...	1,603	1,147
„ Act XV of 1867, ...	2,306	1,470
Other offences under Municipal Rules, ...	406	377

Contempts.

44. Contempts of Court were punished chiefly in the following districts :—

Ráwalpindi, ...	43
Fírozpúr, ...	38
Kohát, ...	31
Gurdáspúr, ...	26
Jhang, ...	18
Pesháwar, ...	14

45. Several cases from Gurdáspúr came before the Chief Court for revision, in which it was found that a Native Honorary Magistrate had fined people for very trivial causes. There is no reason however to believe that the same was done in other districts but enquiries are being made on the subject.

Cases under Criminal Procedure Code.

46. The other cases shown in the return of cases under the Criminal Procedure Code are as follows :—

Nuisances under Chapter XX Criminal Procedure Code, ...	139 cases.
Maintenance, Chapter XXI, ...	1,718 „
Fines for frivolous and vexatious complaints, Sec. 270, ...	470 persons.
Europeans tried by Justices of the Peace for petty offences, ...	19 acquitted. 25 convicted.
Disputes, Chapter XXII, ...	120 cases.

Of these the cases under Chapters XX, XXI and XXII of the Code, have been treated of under the head of "Preventive jurisdiction of the Magistrate."

The European cases were chiefly in the large Cantonments of Lahore, Dehli, Ráwalpindi, and Jálandhar.

47. The 470 persons fined for frivolous and vexatious complaints were ordered to pay Rs. 2,362, or about Rs. 5 each, which seems rather high, considering that the average of fines for penal offences is only Rs. 11-12, but it is lower than last year. The average is raised by the Amritsar and Gurdáspúr districts, where 64 persons were fined Rs. 564, or nearly Rs. 9 each, and Sháhpúr, where 22 persons were fined Rs. 173 or nearly Rs. 8 each. The total is not excessive considering the large number of acquittals in petty cases, and the large number of complaints dismissed as groundless. In fact it is admitted that the power to fine under Section 270 is too little, rather than too much, resorted to. The causes of this are alluded to under the head of "Amends and Compensation."

Stamp Cases.

48. Stamp offences are decreasing, owing to better acquaintance with the law.

Gaming Act.

49. Cases under the Gaming Act, III of 1867, are often needlessly brought forward by the Police for the sake of obtaining a reward. The giving of such rewards has been discouraged, and Magistrates have been warned to work the Gaming Act with greater discretion and less annoyance to the people.

Cattle Trespass.

50. Cases under the Cattle Trespass Act are usually those in which persons have been charged with resistance to the seizure of cattle. The Act allows rather large powers to private persons, who find, or say they find, cattle trespassing on their land. Attempts at rescue are not unnatural, and the figures show that they are not always unjustifiable. Mischief caused by cattle trespass is punishable under the Penal Code, and hence not shown in this place.

Arms Act.

51. Cases under the Arms Act show a slight increase.

Municipal Acts.

52. Cases under the Cantonment, Municipal, and Police Acts, occur chiefly in the large towns and Cantonments, and are, for the most part petty, and the punishment is slight.

DISTRIBUTION OF OFFENCES.

53. A comparison of the number of persons tried for offences of all kinds, with the population of each Division, shows the following results :—

Crime compared with population.

Pesháwar	12·2	per 1,000 of population.
Derajat,	10·2	,,
Ráwalpindi,	9·1	,,
Lahore,	8	,,
Amritsar,	8	,,
Multán,	7·4	,,
Ambálah,	5·7	,,
Jálandhar,	5·5	,,
Dehli,	4·5	,,
Hissár,	4·	,,
Average for the Province, ...	7·2	

Taking non-bailable offences separately, the results are—

Pesháwar,	2·7	persons tried per 1,000 of population.
Derajat,	2·7	,,
Lahore,	2·5	,,
Multán,	2·5	,,
Ráwalpindi,	1·6	,,
Amritsar,	1·3	,,
Hissár,	1·2	,,
Dehli,	1·	,,
Ambalah,	1·	,,
Jálandhar	·7	,,
Average ...	1·6	

Crime compared with area

54. Comparing the persons tried for non-bailable offences with the area of each Division, the results per square mile are as follows :—

Amritsar,	·67	persons tried for non-bailable offences per square mile.
Lahore,	·52	,,
Ambálah,	·43	,,
Dehli,	·36	,,
Pesháwar,	·36	,,
Ráwalpindi,	·22	,,
Derajat,	·21	,,
Multán,	·18	,,
Hissár,	·17	,,
Jálandhar,	·14	,,
Average, ...	·28	

For Bailable and Non-Bailable cases taken together, the proportions are—

Amritsar,	4·1	persons tried for all offences per square mile.
Ambálah,	2·3	"
Lahore,	1·7	"
Pesháwar,	1·6	"
Dehli,	1·5	"
Ráwalpindi,	1·2	"
Jálandhar.	1·1	"
Derajat,	·8	"
Hissár,	·6	"
Multán,	·5	"
Average, ..	1·25	

In the rich and populous central Divisions of Lahore, Amritsar, Jálandhar and Ambálah, there were 60,477 persons tried for all offences, which is nearly equal to the total of the other six Divisions. The figures of these central Divisions are raised by the larger proportion of petty cases under Municipal Cantonment, and other Special Laws. The denser population of these Divisions gives room, of course, for a larger actual number of serious criminal cases, but when the proportion of offenders to population is considered, it will be seen that Amritsar, Jálandhar and Ambálah, stand low down in the list; Lahore and Multán, however, come next after Pesháwar and the Derajat, the high proportion being chiefly in theft cases, especially cattle thefts.

When again the comparison is founded on area, the populous and rich Divisions of Lahore and Amritsar stand at the head of the list; the sparsely populated tracts, Derajat, Multán, and Hissár, coming near the bottom. Jálandhar stands at the very bottom, owing to the large hill area of Kángra and Kulu, where crime is limited. The Pesháwar Division occupies a middle place; this is owing to the large hilly area of Hazárá and parts of Kohát. The Pesháwar district, taken by itself, gives an average of over one person tried per square mile, and 7·9 per 1000 of population for serious offences. This shows how necessary it is to take every element into consideration when making comparisons of this kind,

RESULTS OF TRIALS.

55. In the 61,596 cases brought to trial, 128,147 persons were involved, being on an average two persons to each case; the number being somewhat lower in proportion for non-bailable than for bailable cases: the largest numbers, of course, occur in cases of riot and affray. The 28,422 persons on trial for non-bailable offences were disposed of as follows:—

Results of non-bailable cases.

Committed to Sessions Courts, ...	1,399.
Convicted by Magistrates, ...	16,661.
Acquitted and discharged, ...	9,682.
Pending, ...	437.

The small remainder, died, escaped, or were transferred.

Results of bailable cases.

56. The 99,725 persons on trial for bailable offences were disposed of as follows:—

Committed to Sessions Courts, ...	533.
Convicted by Magistrates, ...	49,155.
Acquitted and discharged, ...	49,362.
Pending, ...	611.

A few died, escaped, or were transferred.

Per-centage of convictions and committals.

57. Thus the per-centage of convictions and committals in non-bailable cases was 64 per cent., and in bailable cases 50 per cent., and in both together 53 per cent., being in each case slightly lower than last year.

58. The per-centages of districts are given in the following statement :—

Order in 1871.	Order in 1870.	DISTRICTS.	Per-centage of persons tried, who have been: Committed for, and convicted by Magistrates of, Bailable offences.	Committed for, and convicted by Magistrates of Non-bailable offences.	Total per cent. committed for, and convicted by Magistrates of, Bailable and Non-bailable offences.
1	1	Simla, ...	75	75	75
2	5	Rohtak, ...	75	71	73
3	12	Jhang, ...	67	73	70
	2	Montgomery, ...	61	77	70
5	4	Hissár, ...	68	71	69
6	6	Konát, ...	75	49	68
7	3	Gurgáon, ...	66	72	67
8	20	Karnál, ...	66	65	65
	17	Sirsa, ...	57	74	65
10	13	Gujránwála, ...	59	65	62
11	7	Ambálah, ...	59	68	61
	9	Firozpúr, ...	53	76	61
13	11	Lahore, ...	57	66	59
	22	Multán, ...	56	68	59
15	15	Dehli, ...	54	61	56
16	28	Jálandhar, ...	52	64	54
	10	Ráwalpindi, ...	51	74	54
	21	Muzaffargarh, ...	50	63	54
19	8	Kángra, ...	51	77	53
	23	Derah Ghází Khán, ...	52	56	53
	25	Derah Ismail Khán, ...	48	55	53
22	29	Sháhpúr, ...	44	70	51
	18	Bannú, ...	63	41	51
24	27	Ludhiánah, ...	41	70	49
	14	Pesháwar, ...	52	43	49
	19	Hazárá, ...	48	52	49
27	30	Gurdáspúr, ...	44	53	46
28	26	Jhelam, ...	39	69	43
	24	Gujrát, ...	33	66	43
30	16	Hoshiárpúr, ...	35	78	42
31	32	Siálkot, ...	32	62	37
32	31	Amritsar, ...	32	64	36
		Total, ...	50	64	53

Variations in proportion of convictions.

59. The per-centage of convictions in bailable offences depends greatly on the proportion of assault cases, and petty cases under Cantonment and Municipal laws. Those districts in which such cases preponderate come at the bottom of the list—Amritsar, Siálkot, Hoshiárpúr; but in the same districts the per-centage of convictions in non-bailable cases is sometimes among the highest—for instance, Hoshiárpúr, where it is 78 per cent. The per-centage of *total* convictions is therefore a very fallible test of the success of the criminal administration of a district. The per-centage in non-bailable cases is a fairer one, though not absolutely fair either. The frontier districts stand very low according to this test—Pesháwar, Bannú and Kohát being at the very bottom of the list.

Results of bailable and non-bailable cases together.

60. Taking bailable and non-bailable cases together, the results were as follows :—

Discharged by Magistrate, ...	22,786	persons.
Complaints dismissed for non-attendance of complainant, ...	8,036	„
Acquitted, ...	28,193	„
Convicted, ...	65,845	„
Committed to Commissioners' Sessions Courts,	1,154	„
„ to Deputy Commissioners' „ ...	778	„
Died, Escaped, &c., ...	307	„
Pending, ...	1,048	„

The chief difference, as compared with previous year, is the great increase of discharges as distinguished from acquittals. In some districts—as Amritsar and Pesháwar—the number of discharges is much larger in proportion than elsewhere. In the latter district it was found to be a regular practice to discharge, rather than acquit, in case more evidence or better evidence should afterwards turn up against the accused.

SESSIONS' COURTS OF COMMISSIONERS.

61. The number of Sessions Cases in Commissioners' Courts for disposal, and disposed of for the two years, is shown in the following table:—

Sessions Courts.		For Disposal.		Disposed of.					Pending.		Average duration.	Date of oldest case pending.
						Per-centage of Persons.						
		Cases.	Persons.	Cases.	Persons.	Convicted.	Acquitted.	Died, escaped &c.	Cases.	Persons.		
Dehli, ...	1870,	32	76	29	66	79	15	6	3	10	27	3rd December.
	1871,	39	89	36	86	69	19	12	3	3	33	2nd September.
Hissár, ...	1870,	24	46	23	45	62	38	...	1	1	36	5th December
	1871,	36	61	32	55	62	38	...	4	6	38	23rd November.
Ambálah, ...	1870,	34	61	31	61	44	56	...	3	3	40	13th December.
	1871,	28	54	26	47	79	15	6	2	7	51	1st November.
Jálandhar, ...	1870,	50	93	49	92	72	27	1	1	1	39	12th November.
	1871,	35	70	32	64	66	34	...	3	6	54	23rd September.
Amritsar, ...	1870,	33	42	29	38	84	16	...	4	4	47	18th October.
	1871,	43	81	39	79	75	25	...	4	5	50	5th December.
Lahore, ...	1870,	66	107	62	97	68	32	...	4	10	47	13th October.
	1871,	60	106	59	104	57	42	1	1	2	41	6th November.
Ráwalpindi,	1870,	70	141	67	138	87	12	7	3	3	41	15th November.
	1871,	44	124	39	111	95	5	...	5	10	41	8th November.
Multán, ...	1870,	59	117	59	117	51	46	3	...	...	37	...
	1871,	61	106	50	80	60	28	12	11	26	52	11th August.
Derajat, ...	1870,	31	82	28	73	45	29	26	3	9	77	20th February.
	1871,	31	67	25	57	53	46	1	6	10	101	3rd October.
Pesháwar, ...	1870,	116	277	105	234	69	31	...	11	43	32	19th July.
	1871,	145	361	139	351	51	48	1	6	10	30	18th November.
Total, ...	1870,	515	1,045	482	961	67	30	3	33	84	40	20th Feby. 1870.
	1871,	521	1,121	477	1,037	63	34	3	44	87	42	11th Augt. 1871.

There is very little difference in the number of cases, and a very slight increase in the number of persons. The work of Sessions Judges is heaviest in the Divisions of Pesháwar, Multán, Lahore and Ráwalpindi ; and lightest in Dehli, Hissár, Derajat and Ambálah.

Decrease of convictions in Sessions Courts.

62. The per-centage of convictions shows a decrease from 67 to 63, and of acquittals an increase from 30 to 34. In particular Divisions the convictions were very high, *viz* :—

Ráwalpindi,	...	...	95 per cent.
Ambálah,	...	...	79 „
Amritsar,	...	...	75 „
Dehli,	...	...	69 „

In the Pesháwar Division there was a marked decrease of convictions and increase of acquittals, of 17 per cent. The result of cases in this Division, was that 18 persons were sentenced to death, and the sentences referred to the Chief Court for sanction, 160 persons were convicted, 170 acquitted, 3 died, and 10 were undisposed of. The Commissioner gives no explanation of the large number of acquittals, but, as this feature of the Pesháwar returns had been repeatedly noticed by the Chief Court, special enquiries are being made on the subject, and some of the cases have been inspected.

DEPUTY COMMISSIONERS WITH ENHANCED POWERS.

63. Formerly the work of Deputy Commissioners with enhanced powers acting under Section 445*A* (as Magistrates) was shown in the ordinary Magisterial Returns, this year it has been shown in a separate return, together with cases under Section 445*B*, (*i. e.*, tried as Sessions Judges.) The return however is still defective in not showing the two classes of cases separately in the " disposal " columns. The distinction between the two classes of cases was so often misunderstood, that the Court found it necessary to issue a Circular on the subject (No. XVII of 12th August 1871.) The number of persons tried under Section 445*A* was 199, chiefly in Amritsar, Sháhpúr, and Hazárá. In a great many Districts no use was made of this section at all. Sometimes serious cases are committed by an Assistant or Extra Assistant Commissioner to the Sessions Court under the general discretion contained in Section 179 of the Code, which allows of a committal in cases which, in the Magistrate's opinion, " *ought* to be tried by the

Court of Session," as well as in those expressly made triable by a Court of Session only. But in some instances the limited use made of the section must be owing to a misapprehension of the subject.

64. The number of persons tried by Deputy Commissioners, as Courts of Session, on committals by other officers, was 776, the largest numbers being in—

Ráwalpindi,	...	...	103
Sháhpúr,	...	...	87
Delhi,	...	...	58
Fírozpúr,	...	...	57
Jhang,	...	...	46
Hoshiárpúr,	...	...	44
Lahore,	...	...	42

It seems strange that in the Pesháwar district no cases were tried under this section. In the Derajat Division, and especially in Bannú, it was more resorted to. In several districts the Deputy Commissioner was not invested with enhanced powers. The average duration of these cases was only 15 days. The per-centage of convictions in these cases is very favorable, being 73 per cent. of the persons tried.

II. PROCEDURE OF MAGISTRATES AND SESSIONS JUDGES.

Duration of trials in Magistrates' Courts

65. In Magistrates' Courts the average duration of trials was the same as in 1870, namely 7 days, which is about the average for several years past. A lower average is scarcely to be expected or desired. The average was highest in the following districts :—

Amritsar,	...	...	16 days.
Hazárá,	...	...	13 „
Kángra,	...	...	12 „
Jhelam,	...	...	11 „
Gurdáspúr,	...	...	10 „
Derah Ghází Khán,	...	...	10 „
Jhang,	...	...	10 „

Duration of Sessions trials

66. The average duration of Sessions trials before Commissioners was 42 days, or 2 days higher than in 1870. It was exceptionally high in the Derajat, 101 days, and was lowest in Pesháwar, 30 days.

Duration of appeals, in Deputy Commissioner's Courts.

67. The average duration of appeals in Deputy Commissioners' Courts was 7 days, being one day less than in 1870. In Hissar and Gujrát it was only 1 day.

Duration of appeals in Commissioners' Courts.

68. The average duration of appeals in Commissioners' Courts was 16 days, being 2 days less than in 1870. The decrease was chiefly in Lahore, from 21 days to 13 days; and in the Derajat, from 44 days to 28 days, which still, however, leaves the duration in this Division higher than elsewhere. There was a decrease in Amritsar from 41 days to 24 days. In Jálandhar and Multán however there was an increase of duration.

Pending cases and appeals.

69. Great detail is not necessary under this head, because current work is carefully scrutinised every month, and again every quarter, on receipt of the periodical returns, and any serious delay or accumulation of work is taken immediate notice of. The figures for the last four years are as follows :—

Pending in Magistrates' Courts on 31st December,	1868,	...	1,027 (persons.)
"	1869,	...	920 "
"	1870,	...	1,259 "
"	1871,	...	1,048 "

Most of the pending cases were instituted in November and December 1871, and there is no case older than September 1871.

Appeals pending in Commissioners' Courts.

70. The appeals pending in the Courts of Commissioners' were 84 in number, involving 100 persons, being exactly the same number of persons as in 1870. The pending appeals were chiefly in :—

Dehli,	...	...	29 (persons.)
Amritsar,	...	...	16 "
Ráwalpindi,	...	...	14 "
Multán,	...	...	21 "

Appeals pending in Deputy Commissioners Courts.

71. There were only 15 appeals pending before Deputy Commissioners, involving 24 persons, *viz.*:—

			Cases.	*Persons.*
Karnál,	...	...	1	1
Dehli,	...	...	3	6
Rohtak,	...	...	4	6
Kángra,	...	...	2	2
Lahore,	...	...	4	8
Dérah Ismail Khán,		...	1	1
	TOTAL,	...	15	24

All other Deputy Commissioners left no appeals undisposed of, a result which is very creditable to them.

Compensation to accused.

72. Compensation to the accused for a frivolous or vexatious complaint having been brought against him, is awardable only in cases falling under Chapter XV—*i. e.*, cases in which a summons shall ordinarily issue, and in which the punishment is fine only or imprisonment not exceeding six months, or, in other words, "minor offences." The mistake that most frequently occurs, is the award of compensation for frivolous and vexatious complaints that do not fall under Chapter XV. The distinction is now better understood.

In a large proportion of petty cases, and especially in cases of assault, the complainant, after his adversary has been summoned, presents a razínamah or petition to the effect that he is satisfied, and wishes to withdraw the complaint. The Magistrate is supposed to satisfy himself in every such case under Section 271 that there are "sufficient grounds for permitting him to withdraw the complaint," but in practice the presentation of a "razínamah" usually ensures permission to withdraw the complaint. If, however, the complaint is withdrawn with the permission of the Magistrate, it cannot be held to be "dismissed as frivolous or vexatious" under Section 270. It has been held that, if a complainant so far satisfies the Magistrate that an offence has been committed as to induce him to issue a summons, it cannot, except under special circumstances, be afterwards held that the complaint was "frivolous or vexatious."

The Deputy Commissioner Gurdáspúr suggests that the law should be amended so as to require a complainant in petty cases to enter into a recognizance to prosecute, in the same way as in cognizable cases sent up by the Police (Section 158, Criminal Procedure Code). Against this, however, it is to be urged that in petty cases, not affecting the welfare of the general community, it is as well that the individual complainant should have every facility for an amicable settlement of the quarrel, subject only to the penalty of compensation where his complaint is absolutely groundless.

Another reason for not resorting to Section 270 is, that though the complainant may express his willingness to withdraw the charge, it may not have been so absolutely groundless as to justify the Court in awarding compensation to the person accused. The accused person is often, and perhaps usually, so far to blame as not to be entitled to any reparation, though not so far as to be deserving of punishment. In the Frontier districts especially this cause operates.

In Pesháwar only one case occurred in which compensation was given under the Section. In Hazárá few Native Magistrates resort to the practice of granting compensation. The Deputy Commissioner of Lahore remarks that the section may advantageously be acted on when there are several defendants, of whom one or more are reasonably accused and the others not so. In such cases the complaint, though admitted as against the former, may be dismissed as against the latter, and compensation in their favor awarded. This would often happen in assault cases if the distinction were attended to.

Compensation to complainant.

73. Compensation, under Section 44, payable out of the fine imposed on the accused, is very generally awarded. The total amount so awarded in the year was Rs. 81,804. But the amount actually paid was only Rs. 41,964. The question of how much is paid out of the amount awarded is part of the general question of the realization of fines, for if the fine be only partially realized, or not realized at all, the compensation can only be paid in part or not at all. The case is even worse than this, for there is a tendency, noticed in some of the reports, to award compensation in such cases, not so much according to the means of the offender, as according to the alleged loss of the complainant, where actual loss has occurred, on the principle that the accused, whatever his ordinary means may be, has enriched himself to the extent of the complainant's loss, and should therefore be able to refund the amount. The defect of this theory is, that stolen property is not necessarily all retained by the one or two thieves or receivers who may have been apprehended, that complainants usually exaggerate their loss, and that dishonest holders of property if they sell it, do so at low prices. Nevertheless the amount paid to complainants in some districts is very creditable, as the following details will show :—

Districts.	Amount of compensation awarded.	Per-centage paid.
Jhang, ...	2,864	99
Hoshiárpúr, ...	440	95
Muzaffargarh, ...	1,578	89
Hazárá, ...	6,323	84
Gujrát, ...	2,577	73
Gurgáon, ...	126	69
Ráwalpindi, ...	1,386	69

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74. It was discovered in Ambálah that compensation awarded under this section was sometimes, on realization, credited by mistake to Government, instead of being made over to the complainant. Such mistakes may have occurred elsewhere, but they ought not to be common, and they can easily be rectified by a refund.

75. The Deputy Commissioner of Muzaffargarh remarks that awards of compensation are often improperly made by Native Magistrates, who are under an impression that almost any offence may be properly compensated by money.

76. The language of the section is wide, and allows every Court to exercise a discretion on this point, but if the discretion is wrongly exercised, it is the duty of the supervising authorities to point this out, for an erroneous practice in the matter may have a demoralizing effect.

77. The special attention of the Commissioners of Peshâwar and the Derajat was drawn to this subject with reference to the remarks of the Honorable the Lieutenant Governor in para. 15 of the orders on last year's Report, and the result was duly reported to Government. It appears that the value of the system is duly appreciated in these Divisions, and that it has been successfully followed, especially in Derah Ghazí Khán, in cases of cattle-theft on a large scale among the Belooch tribes, also in Derah Ismail Khán and Kohát in blood feuds. In addition to the compensation awarded under this section in the regular way, "blood money" is often awarded in border cases in the Political Department. The Deputy Commissioner of Kohát says—

"Compensation in cases of abduction, accidental homicide, wounding, and criminal assaults on women, and cattle or other thefts, including money paid as ransoms (*bunga*) or information money (*zára*), is usually awarded agreeably to the Pathan custom, and, where suitable, according to the Pathan scale."

The result of the enquiry on this subject, was that the action of our officers in this way, in a friendly administrative capacity, is more effectual among border people than judicial compensation awarded under Section 44 of the Code, but there is room for both modes of procedure.

ENGLISH RECORDS, AND MODE OF RECORDING EVIDENCE—ENGLISH AND VERNACULAR.

78. During the year effect has been generally given to the Government Notification No. 1787 of 23rd December 1870, requiring all Native Magistrates to take down the evidence of witnesses in their own handwriting in

full, or to record the reason for not doing so, and in that case to cause the evidence to be taken down in writing from their dictation in open Court. Detailed instructions on the subject were given in the Court's Book Circular VI of 20th February 1871. In most districts the Deputy Commissioners report that the order is fully carried out, but in some cases great difficulty has been experienced in getting native officers to attend strictly to it.

79. In the Hissár Division a Tahsildar was suspended for three months for a violation of the order. This example had a very salutary effect in that Division, but other instances have occurred elsewhere, and further examples may be necessary.

80. In Amritsar the Native Magistrates were slow in attending to the order. The Deputy Commissioner says—

"Every effort has been made to make them do their work properly, and of late there has been some improvement."

81. It is noticed in some reports that the order operates rather hardly on industrious Magistrates, and tends to make their work appear less than that of others who have really less to do. The Deputy Commissioner of Gujránwála (Mr. Cordery) says—

"I should be glad if the Magistrate of the district were permitted to allow some relaxation of the rule, when he knows that a certain Court is over-burdened, and when he has sufficient confidence in the Magistrate. The present unmitigated rule bears very hardly on a really industrious officer."

82. The Deputy Commissioner of Jálandhar (Major Birch) thinks the rule should only be applied in Courts below the grade of Deputy Commissioner. He says—

"I am convinced that much that is of the highest utility is lost by the system of turning the presiding Judge into a short-hand writer. There is no necessity to hamper experienced Judges, while the inexperienced should be made to record in full."

83. The Commissioner of Ambálah notices that three Native Magistrates in his Division neglected the order—"rarely making even abstracts or evidence in their own hands." Notice was taken of two of these cases by Mr. Justice Campbell when on tour.

84. Native Officers require to be constantly enjoined to write their judgments in a more terse and clear style. It is to be hoped that the rule requiring them to record everything in their own hand will tend to this much desired result.

III.—PUNISHMENTS.

85. The general results of the returns showing punishments are as follows :—

	Magistrates.	Sessions Courts.	Total.
	Persons.		
Sentenced to death, ...	...	105	105
Transportation for life, ...	...	84	84
„ for a term, ...	...	1	1
Rigorous imprisonment, ...	16,202	421	16,623
Simple „	826	10	836
Fined with imprisonment, ...	11,640	244	11,884
„ without „	41,471	19	41,490
Whipped as a sole punishment, ...	1,894	4	1,898
„ as an additional punishment,	468	2	470
Total Punishments, ...	72,501	890	73,391

Imprisonment is generally rigorous; usually simple imprisonment is only resorted to when rigorous imprisonment is precluded by law.

Simple fine is imposed in petty cases, chiefly in assaults and cases under Cantonment, Police, Municipal, and other special laws.

Solitary confinement.

86. Of the persons sentenced to rigorous imprisonment, only 29 per cent. were sentenced to solitary confinement as well. This proportion is lower than it should be. The Commissioner of Hissár makes the following remarks on this subject :—

"Officers do not appear to have fully exercised the powers conferred on them by Section 73, Indian Penal Code. The following table will show that, in the greater proportion of cases in which they awarded rigorous imprisonment, they neglected to award solitary confinement.

	No. of persons sentenced to rigorous imprisonment.	
	With solitary confinement.	Without solitary confinement.
Mr. Melvill, Deputy Commissioner, ...	35	50
Mr. Wood, Deputy Commissioner, ...	19	15
Colonel Forster, under Sections 445*A*, and *B*.	23	15
„ as Magistrate, ...	32	50
Peer Bux, Extra Assistant Commissioner, ...	70	45
Nasir Ali Khan, Extra Assistant Commissioner, ...	18	57
Sahig Ram, Extra Assistant Commissioner, ...	19	33
Total, ...	216	265

"The reason for this is, I imagine, simply that at the *time* of recording sentence, the above officers *forgot* in many instances to specify solitary confinement as a part of the sentence.

"I think that a change in the law on the subject is desirable. I do not see why Subordinate Magistrates should be precluded from sentencing a criminal to solitary confinement (Section 22 Criminal Procedure Code), and I further think that every sentence to rigorous imprisonment should be held to render the prisoner liable to be kept in solitary imprisonment for the periods set forth in Sections 73 and 74 Indian Penal Code. The infliction of solitary confinement should be left to the discretion of the Superintendent of the Jail and Medical Officer in charge, within the limits laid down in those Sections. Prior to the introduction of the Indian Penal Code it used to be necessary to specify in a sentence that the prisoner should be imprisoned "*in irons*," now, under the Prisons' Act, the application of irons is left to the discretion of the Superintendent of Jail. Similarly, I would regard "solitary confinement" as a necessary part of jail discipline, and an essential element of rigorous imprisonment."

Sometimes the reason for not sentencing to solitary confinement is (as in Derah Ghází Khán) that the sentence cannot be carried out for want of solitary cells in the jail.

Terms of imprisonment.

87. The duration of sentences of rigorous imprisonment was as follows :—

	Magistrates.	Sessions Judges.	Total.	Per-centage.
One month and under, ...	3,936	18	3,954	23·8
One months to six months, ...	7,350	32	7,382	44·4
Six months to two years, ...	4,607	107	4,714	28·3
Two years to seven years, ...	309	229	538	3·2
Above seven years, ...	...	35	35	·2

It may here be remarked that the law, (that is, the schedule attached to the Criminal Procedure Code) requires many cases to be tried by a highly paid Sessions Judge with great formality, and often after considerable though unavoidable delay, in which, after all, the punishment, as shown by the above figures, is no higher than could have been awarded by a Magistrate, had he been competent to try the cases. Where a Deputy Commissioner has enhanced powers, much of the work of a Sessions Judge can be taken up by him, and though this adds greatly to his labors it is an advantage to the prosecutor and witnesses, as there is much less delay in such cases than in those tried by Commissioners.

88. Short sentences of imprisonment are still occasionally passed where longer ones would be more appropriate, or where a fine or whipping would have been allowable and advisable. Imprisonment is often necessary, in addition to, or in lieu of, other punishments, merely because the law prescribes it as an essential part of the punishment. Sometimes short sentences are the necessary result of the trial of cases by officers possessing only the lowest grade of powers, and who are not empowered to pass sentence of whipping. How far the sentences are inadequate to the offences, and inefficient as deterrents, it is impossible to judge from a mere inspection of returns, but cases are occasionally reviewed in which the sentence is manifestly inadequate, especially in the Courts of Native Magistrates. And the inadequacy of the term of imprisonment is not made up for by the stringency of jail discipline, for the Deputy Commissioner of Hoshiárpúr says—

Short sentences.

"Some professional or quasi-professional thieves steal petty things, purposely to get incarcerated, and it is a disappointment and a punishment to them to keep them *out of the jail.*"

The Deputy Commissioner of Muzaffargarh also thinks that jail life is too comfortable for prisoners.

The Deputy Commissioner of Lahore remarks :—

"The large number of short sentences passed is not a favorable feature, and I have drawn the attention of the different Courts to it, recommending that unless where imprisonment is necessarily part of the sentence, other punishment should be had recourse to when a slight sentence is considered sufficient. Even in cases tried by full power Magistrates many more of these short sentences were passed than in the previous year, and Subordinate Magistrates of the first Class seem to have made too little use of their power of punishing by imprisonment up to six months."

The Deputy Commissioner of Gurdáspúr says—

"Native Magistrates, rather than order whipping, pass short sentences of imprisonment, often so short as barely to give time for the prisoner to reach the jail. The consequence was, that the jail became over-crowded and it was necessary to transfer many prisoners to Sialkot and Amritsar."

FINES.

89. The total amount of fines imposed was Rs. 6,29,613 ; the number of persons fined being 53,374 : the average was therefore Rs. 11-12 per head. These figures include Commissioners' Courts. The average is slightly lower than last year.

90. The degrees of fine were as follows :—

	Persons.		
	Magistrate.	Sessions Judge.	Total.
Sentenced to fine of Rs. 10 and under	40,997	13	41,010
" " 10 " Rs. 50,	10,960	91	11,051
" " 50 " " 100,	844	109	953
" " 100 " " 500,	294	49	343
" " 500 " " 1,000,	10	1	11
Above, ... 1,000,	6	..	6
Total ...	53,111	263	53,374

Of these, 41,471 were sentenced to fine alone.

System of realizing fines.

91. The question of realization of fines has occupied much attention of late. One of the points in the discussion is, how far the proportion realized is affected by the average amount of each fine: of course the lower a fine is the more likely it is to be paid. The only opposing influence, supposing the offender or his friends to be able and willing to pay the amount, is the duration and severity of the imprisonment to be undergone for non-payment.

The statistics of a series of years (1864 to 1871) show that when the average of fines imposed was lowest, the per-centage realized was highest. This was in 1867, when the average amount imposed was Rs. 9, and the per-centage realized was 63 per cent. When the amount imposed rises to Rs. 13, the per-centage falls to 53 or 54.

Improvement in proportion realized.

In 1871, special attention having been directed to the subject, the per-centage realized was 60 per cent., though the average amount imposed has only slightly fallen. This shows that, apart from all other considerations, better results are attainable when the subject is properly attended to.

92. In Sessions Courts of Commissioners, however, the results are still very unfavorable, the per-centage realized being only 13 per cent. This is frequently owing to no notice of the fine having been given to the Deputy Commissioner, but also to a want of attention to the matter, both on the part of the Commissioner who passes the sentence, and the Deputy Commissioners who have to see to its being carried out.

93. It is generally admitted that the per-centage realized in the Courts of Native Magistrates is higher than in the Courts of Europeans. This may be in some measure due to the greater judgment exercised by natives in fixing the amount according to the means and status of the offender, but it is also partly because the fines imposed by Native Officers are actually lower.

94. The following table shows the per-centage of fines realized, and the average amount imposed per head in each district during the last four years.

DISTRICT.	1868.		1869.		1870.		1871.	
	Per-centage realized.	Average amount of fine per head.	Per-centage realized.	Average amount of fine per head.	Per-centage realized.	Average amount of fine per head.	Per-centage realized.	Average amount of fine per head.
Delhi, ...	68	10	58	11	32	12	54	10
Gurgáon, ...	58	10	55	11	56	10	59	11
Karnál, ...	54	10	51	10	50	13	31	13
Hissár, ...	52	11	52	12	63	18	49	14
Rohtak, ...	75	12	59	12	57	16	69	13
Sirsa, ...	35	14	20	13	31	19	36	15
Ambálah, ...	68	8	61	5	50	9	61	7
Ludiánah, ...	63	10	59	9	66	11	71	12
Simla, ...	88	6	79	5	71	6	76	3
Jálandhar, ...	53	9	58	11	54	12	64	8
Hoshiárpúr, ...	79	5	65	9	80	9	96	7
Kángra, ...	82	4	75	4	68	4	81	6
Amritsar, ...	45	8	44	11	58	10	57	8
Gurdáspúr, ...	52	11	43	14	39	13	58	8
Siálkot, ...	60	8	56	11	50	14	51	10
Lahore, ...	40	8	56	8	50	10	50	8
Fírozpúr, ...	56	11	42	12	57	10	47	9
Gujránwála, ...	32	14	35	15	34	18	54	13
Ráwalpindí, ...	67	8	64	13	51	10	64	9
Jhelam, ...	60	18	62	18	74	11	60	13
Gujrát, ...	59	12	92	14	42	19	50	20
Sháhpúr, ...	44	13	50	11	53	16	47	21
Multán, ...	46	12	64	18	66	15	60	8
Jhang, ...	56	12	86	17	85	19	66	15
Montgomery, ...	64	9	53	10	58	13	64	11
Muzaffargarh, ...	67	8	59	11	63	14	70	12
Bannú, ...	67	10	67	9	80	9	61	11
Derah Ismail Khán,	82	15	73	13	63	13	78	14
Derah Gházi Khán,	56	16	62	24	39	20	71	17
Pesháwar, ...	65	9	53	15	67	20	61	17
Kohát, ...	78	12	61	14	59	22	72	14
Hazárá, ...	80	17	92	10	70	29	78	24
Total, ...	58	10	57	12	54	13	60	11¼

The results in different districts differ greatly, and it would be difficult to trace the causes of these differences with precision without very minute inquiry.

95. For instance, in Sháhpúr in 1868, when the average amount imposed was Rs. 13, the per-centage collected was 44, while in 1870, when the average amount was Rs. 16, the per-centage was Rs. 53. In 1871 the amount increased to Rs. 21-11, but this was perhaps too high, as the per-centage collected fell to 47½.

Statistics of fines in particular districts.

In Hazárá the amount in the last four years was—

1868,	...	...	...	...	Rs.	17 per head.
1869,	...	...	...	...	„	16 „
1870,	...	...	...	...	„	29 „
1871,	...	...	...	...	„	24 „

and the per-centage collected was,

1868,	...	...	...	...	80
1869,	...	...	...	...	92
1870,	...	...	...	...	70
1871,	...	...	...	...	78

Again, in some districts where the average amount imposed is low, the per-centage collected is low also. For instance—

		Average fines in 1871.		*Per-centage collected.*
Amritsar,	...	Rs. 8	...	57
Gurdáspúr,	...	„ 8	...	58
Lahore,	...	„ 8	...	50
Fírozpúr,	...	„ 9	...	47

96. The amount of fines collected on account of previous years was Rs. 82,309, a slight increase over the previous year.

97. The amount ordered as compensation was Rs. 83,418, of which Rs. 42,378, or barely 50 per cent., was actually paid. The proportion paid depends on the proportion of fines realized. But frequently the proportion of such fines realized is less than the proportion of other fines realized, because the Courts are apt to regulate the amount of fine and of compensation payable therefrom, rather according to the loss of the complainant, than the means of the offender, as already explained under the head of " Compensation

Compensation payable out of fines.

98. The system of realizing fines has been noticed in most of the local reports. In districts near foreign states difficulty is found in realizing fines due from offenders resident in the foreign

Difficulties in realization.

territory, yet it is stated that under Native Governments fines are more readily realized than in British territory, probably because more pressure is brought to bear on the offenders and their friends.

Defects in system.

99. In most districts a proper register is kept up showing the amount of fines due from time to time, and lists of the items are periodically sent to the Tahsildars for realization or report, but in many cases the efforts made after the first attempt are very perfunctory.

Improvements in system.

100. In Pesháwar the system is to attach the offender's property after the usual 14 days notice, and to repeat this process every three months for six years, unless the fine is paid. In Ambálah the collections increased from 50 per cent. to 61 per cent. by placing the work in the hands of one man, instead of allowing each Court to act for itself. In this district, and in Muzaffargarh, the rule in the Circular (54 of 1862) was disregarded, and attachment of property was made immediately on issue of the warrant without waiting for 14 days. Sanction should have been obtained for the innovation, but its result was effectual. It was intended to modify the rule accordingly in all districts. This, and other suggestions for improving the system of realization, will be considered separately. The subject also comes under constant scrutiny in reviewing the quarterly returns.

WHIPPING.

101. The number of sentences of whipping shows a slight increase, owing partly to the orders in Book Circular No. XVI of 12th August 1871, authorizing Tahsildars, exercising the powers of Sub-Magistrates 1st Class, to pass sentence of whipping, and encouraging the use of this punishment in petty offences where it is applicable. The increase is chiefly in the number of adults whipped as a sole punishment. The number of juveniles so punished shows no increase. The above Circular was issued late in the year, and its effect will be more visible during succeeding years.

102. Native Magistrates still evince a disinclination to order this punishment, but some of them are getting over this feeling.

103. In some districts it appears to be the practice for Tahsildars to send into the Sadr Station the persons they sentence to be whipped; in others they are apparently whipped at the Tahsils, as mention is made of triangles being supplied to the Tahsils. One of the advantages of whipping is, that it can be inflicted on the spot and the offender released, and this should ordinarily be done; but it is as well

that there has been some delay in carrying this arrangement out during the first year of the new system, as a good many cases have come before the Chief Court on the revision side, in which Tahsildars had ordered flogging in addition to other punishment for first offences, or had otherwise misapprehended the meaning of the Act.

HABITUAL CRIMINALS, AND SECOND CONVICTIONS.

104. The number of persons convicted for the second time was 1,421, and for the third time or oftener 362, being in both cases an increase over the previous year. In Amritsar the number of such cases was large, also in Lahore and Sháhpúr. In the frontier districts the number is comparatively small. There may be special causes for this, but as a rule the number of such cases in a district increases in proportion to the attention bestowed on the register of previous convictions. In Lahore the increase is ascribed to this cause. In Ambálah the subject was neglected. In Gúrgáon difficulty was experienced because old offenders had taken to changing their names. Several officers urge that a man convicted a *second* time only is scarcely an *habitual* offender. The answer to this is, that if a man has committed two crimes which have been brought home to him, the probability is that he has committed others which have not. Still, the mere fact of a former conviction does not in itself justify a very severe sentence. The *nature* of both crimes must be taken into account. for they may have no relation to each other, and may both be trivial.

105. The Deputy Commissioner of Derah Ismail Khán (Captain Macaulay) says there are "*no* known professional offenders in the district." The returns however show that there were 29 second, and 4 subsequent convictions.

106. The Deputy Commissioner of Bannú, on the other hand, asserts that "*all* hill men are habitual offenders," and that all other habitual offenders are on security or in jail. This picture, if literally accepted, would imply a very vigorous administration

107. There is no doubt that the fact of previous conviction is often overlooked, and sometimes intentionally concealed by the prisoner, and great care is requisite in keeping up and constantly referring to the register of offenders. The police are sometimes remiss in putting in evidence on the point. The most experienced officers are of opinion that severe treatment of old offenders is an effectual check on crime, and that this check is not so freely resorted to as it ought

to be. In some districts the advantage of having such cases tried by the Deputy Commissioner himself is well understood, but the practice should be more general. To send up the case for enhanced punishment does not meet the difficulty as the Magistrate of the district is restricted to his ordinary powers of punishment in such cases. It is therefore advisable to take notice of the fact of previous conviction *before* the trial is commenced, and to have the case tried "*ab initio*" by the Magistrate of the district.

108. Instances have occurred in which the fact of previous conviction has only transpired when the prisoner is sent to jail, and is recognized by the jail officials, when it is too late to enhance his punishment.

FINAL SENTENCES OF MAGISTRATES.

109. Under Section 411 of the Code, a sentence passed by a Magistrate with full powers, in which the punishment is imprisonment not exceeding one month, or a fine not exceeding fifty Rupees, is not appealable. Such sentences have decreased from 12,661 in 1870, to 9,239 in 1871. They were most numerous in the following districts :—

Simla, ...	1,282
Ráwalpindi, ...	1,136
Lahore, ...	656

In some districts they are so few as to throw doubt on the correctness of the returns, *e. g.*,—

Hoshiárpúr, ...	0
Gurdáspúr, ...	9
Multán, ...	5

IV.—PREVENTIVE JURISDICTION OF THE MAGISTRATE.

Nuisances.

110. There were 139 cases of nuisance under Chapter XX of the Procedure Code, and in 126 of them the Magistrate's order was obeyed without demur. No cases were referred to juries. In most cases the verbal order of a Magistrate, or other Civil Officer, is sufficient for the prevention of a nuisance detected by him without any formal procedure under Chapter XX, but in Gurgáon and Karnál the procedure prescribed by the Act was frequently resorted to, chiefly in cases of obstruction of public roads, and removal of dangerous premises.

111. From cases that occasionally come before the Chief Court in revision, it appears that the formalities prescribed in Chapter XX are not always attended to in cases that profess to be disposed of under that chapter, but the cases are usually of a trivial character, and the informalities are such as do not prejudice the parties, and such as may be pointed out by the superior Courts without cancellation of the final order. Of late such cases have rarely come before this Court.

112. Sometimes there is a misapprehension of the distinction between the jurisdiction of the Magistrate under Sections 163 and 164 of the Code, and under Chapter XX, which is not surprising, considering that this subject has given rise to a long series of constructions in the highest Courts of almost all Provinces.

113. Cases of disobedience of orders under Section 188 Indian Penal Code are included in this return, but are shown almost exclusively in the Gurgáon and Karnál Districts. There may be some misapprehension on the point. The column is intended to show those cases in which the orders of Magistrates under the Criminal Procedure Code were disobeyed; but all the cases of disobedience under Section 188 Indian Penal Code are shown in the classified statement of offences.

Maintenance.

114. There were 1,718 cases, in 356 of which an award of maintenance was made. In the Dehli, Hissár and Multán Divisions such cases appear to be rare. In the central Divisions, they are much more frequent. Only two persons were imprisoned in default of payment of maintenance. Maintenance cases are of an unsatisfactory character, and the relief they afford to the applicants is perhaps out of proportion to the trouble they cause to the Courts. For instance, in Pesháwar 102 applications were made, and in only five cases was relief given. In Bannú there were 33 awards out of 82 cases. The Deputy Commissioner remarks that husbands treat their wives badly in that district. This however would appear to be a matter of opinion, as in 1870, under another Deputy Commissioner, there were only 12 awards out of 60 cases. The Deputy Commissioner of Ludiánah says he takes up all such cases himself, and only institutes a formal enquiry when the applicant appears a second time, after a preliminary admonition to the parties has failed. In this district there were only 8 awards out of 79 cases. It thus appears that the results are greatly influenced by the systems adopted in different districts, and the individual opinions held by officers on the subject.

Disputes.

115. Disputes under Chapter XXII occurred chiefly in Peshâwar, where there were 66 cases out of 120 for the Province. There were also 20 in Amritsar, and 12 in Râwalpindi. In the majority of districts no action was taken under this Chapter, as the people prefer to have such disputes settled in a more conclusive manner by the Civil Courts.

Security

116. The numbers of persons ordered to give security or recognizances, were as follows :—

Security to keep the peace, ...	1,950
Recognizance to keep the peace, ...	2,191
Security for good behaviour	1,768
TOTAL, ...	5,909

117. In the entire Dehli, Hissár, and Ambâlah Divisions (excluding Simla), only two persons were called on to give security to keep the peace. The system is largely resorted to in the frontier districts, where its value is well appreciated, *viz.* :—

Peshâwar, ...	648
Bannú, ...	445
Kohât, ...	406
TOTAL, ...	1,499

118. In Peshâwar the number is much less than in 1870. The Deputy Commissioner says "the decrease is owing to the Courts acting more carefully up to the provisions of the Code than in previous years, when recognizances and security were required on a simple sugges ion of the Police, without the Magistrate's own investigation or finding."

119. The Deputy Commissioner of Kohât repeats the suggestion made last year, that security in *cash* should be allowed subject to report to the Commissioner. The Deputy Commissioner says the system of taking security or recognizance to keep the peace has a very deterrent effect, especially in the prevention of feuds between villages, when the villagers know that "the resort to force must result in pecuniary loss to, and possibly imprisonment of, the leaders of the agressing village."

120. Recognizances to keep the peace were taken chiefly in the following districts.—

Pesháwar, ...	594	persons.
Ráwalpindi, ...	271	„
Rohtak, ...	226	„
Karnál, ...	153	„
Amritsar, ...	141	„
Jhelam, ...	140	„
Sháhpúr, ...	135	„
Lahore, ...	101	„
TOTAL, ...	1,761	„

In Bannú and Kohát security is preferred to recognizances.

121. Security for good behaviour was taken chiefly in—

Pesháwar, ...	205	persons.
Bannú, ...	193	„
Derah Ghází Khán, ...	166	„
Rohtak, ...	126	„
Lahore, ...	120	„

122. No securities or recognizances were ordered by Sessions Courts, either on the application of Magistrates or on their own motion.

123. Taking the three kinds of security together, it will be seen that of 5,909 persons dealt with, 2,166, or about one-third of the whole, were in the two districts of Pesháwar and Bannú. In some districts security is very rarely taken, for instance the following.—

Hazárá, ...	60	persons.
Ambálah, ...	43	„
Gurgáon, ...	38	„
Montgomery, ...	34	„
Sirsa, ...	19	„
Firozpúr, ...	11	„
Ludiánah, ...	7	„
Kángra, ...	6	„

The small number of such cases in Ambálah and Ludiánah seemed to imply some neglect of the law, and the subject was taken notice of by the Com-

missioner. On the other hand, the excessive number in Rohtak (352), as compared with neighbouring districts, seems to have been the result of misplaced zeal. The Commissioner of Hissár (Major McMahon) makes the following remarks regarding the administration of this district during Captain Grey's incumbency :—

" With reference to the latter statement, I remark that Captain Grey was only in the district for two months of the year, and from what I have learnt from his successor, I imagine his procedure was more vigorous than legal. I observe from the returns that Colonel Bristow reversed his orders in respect of 24 persons, and modified them with reference to two others; that no person tried by Captain Grey was acquitted; * and in *no* criminal appeal † preferred to him was the order of the Lower Court modified, reversed, or quashed. Vigor of this character, however terrible to thieves and approved by Police Officers, cannot be confidently recommended for universal and indiscriminate imitation.

" The District Superintendent of Police, in commenting in his Annual Police Report on Captain Grey's procedure, remarks, complacently, that " most of the bad characters fled the district." It seems doubtful, however, how far this was a gain to the unfortunate districts to which the bad characters fled, or how far it was a gain to the country at large. A bad character is probably less dangerous to society in his own village, where his character is known, where it is possible to keep him under complete surveillance, and where he has probably some means of gaining an honest livelihood, than the same man would be roving over Northern India, away from his home and relations, hungry and desperate. The expulsion of such men from their homes, seems to me just the way to develop a doubtful character into a hardened and professional criminal."

124. In Pesháwar the Deputy Commissioner says—

" The Magistrates proceed against bad characters when on tour in the interior of the district, especially when in any mouzah crimes become too common. The provision of the Code is better adhered to than in former years."

In this district 127 persons were imprisoned in default of security.

125. The Deputy Commissioner of Sháhpúr (Captain Corbyn) considered it sufficient in many cases to warn bad characters that " if they took the law into their own hands the law would deal with them, and they would be more severely dealt with after having been thus warned." The Commissioner, however, remarks that " the year closed with 91 persons being committed to the Sessions in one case for riot and homicide in this district." Serious riots used to be more frequent in the Salt Range than they have been of late, and the Deputy Commissioner appears to attribute this result to the " firmness, coupled with consideration," with which he administered these provisions of the law. This conclusion however may possibly be premature.

* 147 persons were convicted, and 4 committed to the Sessions; none were acquitted.
† 9 cases and 16 persons.

126. The Commissioner of Lahore (Colonel Elliott) thinks the Police do not sufficiently hand up notorious bad characters to the Magistrate to have security taken from them, and he has "no doubt of the powerful influence of this check against crime."

127. In Kángra, the Deputy Commissioner (Colonel Mercer) says—"Wandering gangs, against whom such procedure is commonly taken, are here ordinarily warned out of the district and immediately obey." It is doubtful if this procedure is equally satisfactory to the neighbouring districts to which these gangs may transfer themselves.

128. In Muzaffargarh the Deputy Commissioner (Mr. Bullock) found that charges of bad livelihood were usually well founded.

129. Several officers have taken advantage of the suggestion to look up bad characters while on their tours, but during the year the changes of officers have been so frequent, and their tours so short and intermittent, that not so much has been done in this way as might have been. Most officers agree that the security system is a substantial check on crime.

V.—APPELLATE JURISDICTION OF SESSIONS JUDGES AND MAGISTRATES OF DISTRICTS.

Appeals to Commissioners or Sessions Judges.

130. The number of appeals for disposal in Divisional Courts shows a large increase, and so also does the number disposed of, while the number pending at the close of the year is only four higher. The increase is great in the Divisions of Hissár, Jálandhar, Amritsar, Derajat and Pesháwar. Changes of officers, which have been very frequent during the year under the Military Furlough rules, have usually a tendency to increase appeals.

131. The per-centage rejected shows a decrease from 18 per cent. to 10 per cent., while the per-centage reversed increased from 11 per. cent. to 15 per cent.; and the per-centage of orders confirmed, after inspecting files and hearing appellants, increased from 65 to 70 per cent.; the per-centage modified decreased from 5 to 4 per cent.

132. In Dehli, where the files are usually received in the first instance with the petitions of appeal, only 1 per cent. were rejected; and 85 per cent. were confirmed.

133. In Ambálah, 30 per cent., and in Hissár 20 per cent., were rejected on perusal of petitions and copies of orders of Lower Courts. The number so dealt with has decreased greatly, especially in Amritsar, from 50 per cent. to 10 per cent., and in Multán from 35 per cent. to 6 per cent.

134. The variations between per-centage rejected and per-centage confirmed indicate merely the different systems adopted by Sessions Judges. The per-centage reversed is a more important point. The highest per-centages of reversals were—

Lahore, ...	25	per. cent.
Hissár, ...	19	„
Derajat, ...	19	„
Amritsar, ...	17	„
Jálandhar, ...	15	„

and the lowest,

Ambálah, ...	6·5

135. Orders from the following districts were most frequently reversed:—

Lahore, ...	61	persons.
Gujránwála, ...	52	„
Sháhpúr, ...	43	„
Derah Ghází Khán,... ...	35	„
Rohtak, ...	35	„
Amritsar, ...	35	„
Hoshiárpúr, ...	30	„
Hissár, ...	30	„

136. The date of the oldest appeal pending before Sessions Courts was only 16th September 1871.

Appeals to Deputy Commissioners.

137. The number of appeals preferred to Deputy Commissioners was 2,476, as compared with 1,840 in 1870, being an increase of 636 cases. The number of such appeals depends partly on the number of officers not invested with full powers.

There was a large increase in—

Gurdáspúr,	...	...	78	(increase.)
Ludiánah,	...	...	63	„
Fírozpúr,	...	...	57	„
Ambálah,	...	...	53	„
Lahore,	...	...	53	„
Jhelam,	...	...	37	„
Rohtak,	...	...	36	„
Hoshiárpúr,	...	...	36	„
Ráwalpindi,	...	...	33	„
Multán,	...	...	28	„

Appeals were most numerous in—

Fírozpúr,	...	...	211
Amritsar,	...	...	172
Gurdáspúr,	...	...	156
Lahore,	...	...	149
Ambálah,	...	...	136
Gujrát,	...	...	108
Ráwalpindi,	...	...	107

In all other districts the number was below 100; the smallest number being in the frontier districts of Kohát (7) and Hazárá (16).

138. Appeals were disposed of by Deputy Commissioners as follows :—

			No. of persons.	*Per-centage.*
Rejected,	...	...	372	8·5
Confirmed,	...	...	2,599	59·5
Modified,	...	...	592	13·5
Reversed,	...	...	793	18·1
Annulled,	...	...	8	
Total disposed of,		...	4,364	
Pending,		...	24	
			4,388	

In some districts the proportion rejected is much lower than in others. This depends on the system adopted. The Code authorizes the rejection of an appeal on perusal of the petition and copies of orders of Lower Courts, without

sending for files, but it is optional to call for the files in all cases, and in some districts the Deputy Commissioners avail themselves of this option freely. For instance, in Hissár, Hoshiárpúr, Fírozpúr, Gujránwála, Jhang and Derah Ghází Kháu, no appeals were rejected without calling for files; while in Gurdaspur the appeals of 99 persons were rejected summarily, and of 31 only after calling for files.

139. The orders reversed are shown in the annual return only as regards the number of persons affected, and not the number of cases: there may be many persons in one case, particularly in a riot or an affray. The extent to which the orders of individual officers are interfered with is only ascertainable from the quarterly returns, and the subject is duly attended to during the inspection of those returns.

VI.—JURISDICTION OF THE CHIEF COURT.

Criminal appeals.

140. The number of appeals for disposal in the Chief Court was 567, against 575 in 1870, and the persons involved were 808 against 855. Of these, 532 cases were disposed of, leaving only 35 pending (against 63 in 1870) most of which were no older than November and December. The average duration was 42 days, being two days less than the previous year. The duration in 1869 however was only 30 days. The increase of duration as compared with that year is due to some special cases, chiefly on the revision side, disposed of early in 1871, which had been pending a long time.

141. The appeals were disposed of as follows:—

Petitions rejected,	...	...	87
Confirmed,	...	...	453
Modified,	...	...	61
Reversed,	...	...	135
Quashed,		...	2
	TOTAL,		738

142. The orders reversed were chiefly from—

Sháhpúr,	...	...	27
Jálandhar,	...	...	19
Peshá̄war,	...	...	12
Hoshiárpúr,	...	...	12

143. The orders modified were chiefly from—

Jhelam, ...	11
Lahore, ...	9

144. The per-centage reversed, according to Divisions, was highest in cases from—

Jálandhar Division,	...	41 per cent.
Ráwalpindi „	...	25 „
Derajat „	...	22 „

and lowest in cases from—

Ambálah Division,	...	0 „
Hissár „	...	9 „
Lahore „	...	6 „

The high per-centage of orders from the Jálandhar Division reversed was chiefly owing to one case, in which 18 persons were convicted, who preferred separate appeals to the Chief Court. Similarly, the figures of the Ráwalpindi Division are affected by one case from Sháhpúr, in which 25 persons were involved.

Reference (or murder) cases

145. The number of persons whose sentence of death was referred by Sessions Judges for confirmation of the Chief Court was 106, which, with three left over from the previous year, made 109 for disposal. The cases of 99 were disposed of, and 10 left pending, the oldest case being only a month old.

Sentence was confirmed in the case of 81 persons.

Modified, ...	15	„
Acquitted, ...	3	„

Murder cases were received from Divisions as follows :—

Amritsar, ...	14	cases.
Pesháwar, ...	13	„
Ráwalpindi, ...	12	„
Ambálah, ...	8	„
Dérajat, ...	8	„
Dehli, ...	7	„
Lahore, ...	6	„
Multán, ...	5	„
Jálandhar, ...	4	„
Hissár, ...	3	„
Total, ...	80	„

146. The cases falling under Chapter XXIX and Section 434 of the Criminal Procedure Code may be said to consist of three classes : (*a*) those called for by the Chief Court on inspection of the monthly abstracts of Sessions Judges and Magistrates with enhanced powers ; (*b*) those called for on the petitions of the parties (and occasionally petitions of pleaders) ; and (*c*) those reported by Sessions Judges and Magistrates.

Revision.

147. The total number of such cases for disposal was 421, of which 106 were pending from previous year. The number disposed of was 407, leaving only 14 pending at the end of 1871.

148. The number called for by the Court was very nearly the same as in 1870 ; the number reported by the Lower Courts was slightly less. The number reported in each division fluctuates according to the amount of leisure of the supervising officers, and the degree of attention they devote to the subject. For instance, the Lahore Division, which sent up 29 cases in 1870, sent only 8 cases in 1871, whereas in Ambálah and Multán the numbers increased from 1 and 4 respectively to 10 and 13. From the Derajat only one case was received in 1870, and two in 1871. In both years the largest number of cases was received from the Amritsar Division, *viz.*, 42 in 1870, and 44 in 1871 : a good many of these were from the Gurdáspúr District.

149. The results of revision cases were as follows :—

			Cases.	*Per-centage.*
Order confirmed,	...	...	235	57
„ modified,	...	...	60	16
„ reversed,	...	...	90	22
„ annulled,	...	...	22	·5

150. In addition to this, 364 petitions of parties praying for revision of orders from which there was no appeal were rejected without calling for files. The petitions on which files were called for and orders passed by the Court confirming or disturbing the orders of Lower Court are included in the figures above given.

Original Jurisdiction.

151. During the year 14 European British subjects were tried by the Chief Court, three at Dehli, and the rest at Lahore. Of these four were acquitted, and rest convicted by the juries. The details are shown in the following statement :—

District from which committed.	Sessions — Where held	Sessions — Number of trials.	Prisoners.	Of what offence convicted.	Nature of sentence.
Lahore, ...	Lahore,	1	Richard Sanderson,	Mischief by fire, Sections 436 and 323, Indian Penal Code,	Seven days simple imprisonment and five hundred rupees fine, or in default two months further simple imprisonment.
Dalhousie. Gurdáspúr, ...	Ditto,	2	Mrs. S. Griffiths, ...	Acquitted.	
Simla, ...	Ditto,	3	George Reed, ...	Murder and attempt at suicide, Sections 302 and 309 Indian Penal Code,	Penal servitude for life.
Dehli, ...	Ditto,	4	C. O. Bowles, ...	Forgery and attempt to cheat, Sections 465, 511, 417, Indian Penal Code.	One years' rigorous imprisonment.
Peshâwar, ...	Ditto,	5	A. T. Erwin, ...	Theft, Section 381 Indian Penal Code.	Five years' rigorous imprisonment.
Lahore, ...	Ditto,	6	W. J. Hill, ...	Dishonestly receiving stolen property, Section 411 Indian Penal Code,	One year and six months rigorous imprisonment.
Lahore, ...	Ditto,	7	MacNamara, ...	Acquitted.	
Lahore, ...	Ditto,	8	F. C. Stoodley, ...	Acquitted.	
Murree. Râwalpindi,	Ditto,	9	J. P. Dunn, ...	Assault or criminal force, Section 354 Indian Penal Code,	Two years' rigorous imprisonment and five hundred rupees fine, or in default six months further rigorous imprisonment.
Amritsar, ...	Ditto,	10	J. Duncan, ...	Acquitted.	
Dehli, ...	Dehli,	11	F. H. Pettifer, ...	Theft, Section 379 Indian Penal Code.	Six months rigorous imprisonment.
	Ditto,		T. Fitzgerald, ...	Dishonestly receiving stolen property, Section 411 Indian Penal Code,	Ditto.
	Ditto,		Corporal A. Pepper,	Ditto.	Ditto.
Lahore, ...	Lahore,	12	J. Kelly, ...	Voluntarily causing hurt, Section 332 Indian Penal Code,	One year's rigorous imprisonment.

152. The following statement shows the entire criminal work that came before the Chief Court during the year under report and the previous year.

Total work of Chief Court on Criminal Side.

		For disposal.		Disposed of.		Pending.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Original, ...	1870,	14	15	14	15	...	...
	1871,	12	14	12	14	...	..
Reference, ...	1870,	91	132	87	127	2	3
	1871,	82	109	76	99	6	10
Revision, ...	1870,	394	821	288	606	106	215
	1871,	421	768	407	741	14	27
Appellate, ...	1870,	575	855	512	748	63	112
	1871,	567	808	532	738	35	70
Total, ...	1870,	1 074	1,823	901	1,491	171	330
	1871,	1,082	1,699	1,027	1,592	55	107

The work for disposal, and disposed of, shows an increase, but as a good many of the revision cases were left over from 1870, the amount of new work, or cases instituted and disposed of, belonging to the year 1871 shows a slight decrease.

VII.—ADMINISTRATIVE MEASURES AND STATISTICS.

AGENCY.

153. The agency return shows that cases were disposed of as follows :—

			Per-centage.	
			1870.	1871.
Deputy Commissioners, ...	3,401	Cases.	7·4	5·5
Assistant Commissioners, ...	7,723	"	14·9	12·5
Extra Assistant Commissioners, ...	14,860	"	23 0	24·0
Tehsildars, ...	17,358	"	26·0	28·1
Naib Tehseeldars, ...	7 305	"	12·0	12·0
Cantonment Magistrates, ...	2,173	"	4·4	4 4
Small Cause Courts, ...	528	"	0·9	0 8
Canal Officers, ...	384	"	0·7	0·5
Customs Officers, ...	2	"	·02	·003
Forest Officers, ...	1	"	·003	·001
Jail Officers, ...	3	"	·09	·004
Municipal Boards, ...	1,116	"	·7	1 8
Boards of Honorary Magistrates, ...	3,248	"	5·	5 2
Jagirdar Magistrates, ...	2,969	"	4·5	4·8
Total, ...	61,731	"		

154. The amount of work taken up by the Deputy Commissioner depends greatly on the number of Assistant Commissioners or Extra Assistant Commissioners with full powers stationed in the district, and not necessarily on the option or the industry of the Deputy Commissioner.

Deputy Commissioners.

155. The amount of work that can be taken up by an Assistant Commissioner with ordinary powers—*i. e.*, who has not passed his examination—is small, as the returns show that only 379 cases were disposed of by these officers, or an average of 21 cases each. Many of these officers however were appointed late in the year.

Assistant Commissioners with ordinary powers

156. The majority of Naib Tahsildars now exercise only the powers of a Sub Magistrate 2nd Class. The greater number of cases in Tahsils are disposed of by Tahsildars with powers of Sub-Magistrate 1st Class, (*viz.* 15,362 cases).

Tahsil Courts.

157. Cantonment Magistrates, with powers of 2nd Class Sub-Magistrates, disposed of only 192 cases, which could not have afforded much relief to the Sudder Courts of the districts in which they were located, *viz.*, Dehli and Multán. In Ambálah, Kussowlee, Jálandhar, Meean Meer, Fírozpúr, Ráwalpindi, and Peshá̄war, the Cantonment Magistrates disposed of a large amount of work as Magistrates with full powers.

Cantonment Courts

158. The work disposed of by Magistrates who are also Judges of Small Cause Courts was almost entirely in Peshá̄war and Simla. In Jálandhar a heavy case was made over to the Magistrate, who was also the Judge of the Small Cause Court, and greatly impeded his regular work. It is not desirable, as a rule, that criminal work should be made over to such officers at the larger stations.

Magistrates who are also Small Cause Court Judges.

159. Canal Officers disposed of about the same number of cases as last year. In some instances these officers are natives. The largest number of cases was disposed of by the Canal Officer of Multán (132 cases). The Deputy Commissioner remarks that the returns and files of this officer were sent in regularly, and the work was satisfactory. In Amritsar, however, where 25 cases were disposed of, the files were not sent in so regularly, and repeated reminders had to be sent for them. It is natural that the more cases a Canal Officer has before him, the more practice he acquires in the work, and the better he does it. The cases are for the most part of a

Canal Officers

petty nature, being breaches of Canal Rules. A few cases came before the Chief Court during the year, and were found to be very fairly prepared; but in Madhopúr it was found that in former years the Canal Officers had tried cases in which they had no jurisdiction, such as thefts, assaults, &c., and had not kept up their registers and returns regularly. The subject was noticed by Government when the present incumbent was invested with powers to try the special class of cases coming made Chapter XIV of the Indian Penal Code, that is, cases of nuisance &c. affecting the public health. This arrangement is allowed in Madhopúr as a special case, as there is a considerable European and Native community there, and no regular Court. Upon the whole, the procedure of Canal Officers in 1871 shows great improvement over former years, owing doubtless to the special notice taken of the subject during the last two years.

Customs Officers.

160. Customs Officers disposed of only 3 cases. Judicial powers are scarcely required for these officers. Collectors of Customs are usually located at Sudder Stations, where the ordinary Courts are available, and it is not desirable that Customs officers below the rank of Collector should be invested with judicial powers.

Forest Officers.

161. Forest Officers disposed of only 1 case (in the Sutlej Forest Division). If this is the case that came before the Chief Court in 1871, it was full of irregularities. Cases of theft of Government timber, trespass, &c., can usually be tried by the nearest regular Court, and Forest Officers rarely need to act magisterially.

Jail Officers.

162. Jail Officers disposed of only three cases. Special instructions regarding the classification of Jail offences were issued by the Court in Circular Memo. No. 27 of 28th October 1871. Cases punishable by the Superintendent of a Jail, as such, now no longer appear in the judicial returns at all; offences against Jail discipline, punishable by the Superintendent, are shown in the Jail Returns; while offences in relation to jails punishable by a Magistrate are shown as cases disposed of by Magistrate, and not by Departmental Officers. The system is now clear and well understood.

Municipal Commissioners and Boards of Honorary Magistrates.

163. Municipal Commissioners, acting judicially, exist only in Dehli, where they disposed of 1,116 cases. In other municipalities such cases are shown as disposed of by Boards of Honorary Magistrates, and as there is practically no distinction between the two in this

respect, the figures might in future be amalgamated. It was already been noticed that the Municipal Magistrates of Dehli erroneously excluded from their returns cases inwhich they acquitted or admonished the parties, including only cases of punishment; the error was rectified by the Deputy Commissioner.

Boards of Honorary Magistrates exist at Dehli, Jálandhar, Amritsar, Gurdáspúr, Siálkot, Lahore, Gujránwála, and Derah Ismail Khán. These Boards have disposed of more cases from year to year as follows:—

1869, ...	2,449 cases.
1870, ...	2,779 „
1871, ...	3,248 „

The per-centage of work disposed of by them varies greatly in different districts and different years. In 1871 the largest amount was in Amritsar (1,402 cases), but if the Municipal Commissioners work be taken into consideration, the Dehli Board disposed of a still larger amount, *viz.*, 1,467 cases. In Lahore 937 cases were disposed of.

Jagír Magistrates.

164. Jagír Magistrates exist in 17 districts. Their names andpowers are given for the first time in a collected form in the Panjáb Civil List, (Part XXVIII), a new publication prepared by the Accountant General under the authority of Government. That list however includes the members of Boards of Magistrates. It gives 103 names, of whom four are those of European gentlemen at Dehli, and all the rest are natives. All these officers exercise criminal powers, but they are not all invested with civil powers. The list includes a number of the most enlightened and distinguished native chiefs and gentlemen of the Panjáb, and the increasing interest they take in their work is a subject of congratulation. These gentlemen disposed of 2,969 cases, as against 2,469 in 1870. The greatest number of cases were in—

Ambálah, ...	381
Kángra, ...	423
Amritsar, ...	385

In Gurdáspúr and Muzaffargarh where 132 cases, and 176 cases respectively, were disposed of; none appear to have been disposed of in 1870, new appointments having been made.

Services of Honorary Magistrates.

165. In Amritsar, the late Sirdar Shumshere Sing took a large share of criminal work. In Kángra, the Raja of Nadaon; in Derah Ismail Khán the Nawab of Tank; in Kohát, the Khan of Teree or Chief of the Khuttucks; on the Derah Ghází Khán frontier the several Biloch Chiefs; and in the various large cities the Honorary Magistrates composing the Boards, rendered substantial aid to the Judicial administration. Their decisions, as a rule, give satisfaction to the people, and appeals from their orders are few. Though instances do occur in which the contrary is the case, they are decidedly the exception, and to be accounted for by special reasons. The great majority of these Honorary Officers have shown themselves worthy of the trust reposed in them, and the system has proved itself worthy of extension on every suitable opportunity.

WITNESSES.

166. The total number of witnesses examined by the Courts was 1,73,625, showing an increase proportionate to the increase of cases. This gives an average of less than three witnesses per case brought to trial, which is lower than might be expected, and leads to the inference that witnesses are not in all cases entered on the register. Several officers admit this; and Mr. Justice Campbell in the course of his inspection of Subordinate Courts has come across several instances of it. The explanation usually is that witnesses occasionally go straight to the Court to which they have been summoned without reporting their arrival to the Nazir.

167. The number of witnesses detained for more than one day shows a large increase over 1870, being 29,054 against 13,038; the increase is chiefly in the witnesses recorded as detained for two days. On the other hand, the detentions beyond nine days show a slight decrease.

168. The greatest detentions occurred in the Jhelam district, where 100 witnesses are shown as detained nine days and upwards. Of 4,857 witnesses examined in this district, no less than 1,600 were detained for more than one day. This however appears to be the result of a misapprehension on the part of the Deputy Commissioner of the instructions issued by the Chief Court. The Deputy Commissioner took, as the date of appearance of a witness in Police cases, the date of the recognizance being *taken*, instead of the date entered in the recognizance for the *attendance* of the witness.

The detentions were considerable in Dehli Out of 6,301 witnesses, 1,947 were detained more than one day. Simla professes to have detained *no* witness more than one day. In Lahore 3,970 witnesses were detained more than one day; and in Peshawar 2,675 witnesses.

Improvement attained

169. The improved results in 1871 are greatly attributable to the stricter attention now paid to the subject, and the keeping up and testing of the registers. In former years it was a very general practice to show as the detention of a witness merely the day on which he actually appeared before the Court and gave his deposition, ignoring all postponements. That there is still a tendency in this direction is shown by the fact that in some districts the statistics are made out, not from an independent register of the attendance, or arrival and departure of witnesses, but from an examination of all the depositions at the close of each day. As these are contained in a number of files in several different Courts, there is much room for error and omission under such a system. The subject continues to receive attention, and further improvements in the system will suggest themselves from time to time.

Defects of system.

Opinions of officers regarding Witness Registers

170. Almost every officer has noticed the subject of witness registers in his report Several officers doubt the entire fidelity of the registers, even after all that has been said and done in the matter; others confidently assert that the registers are now reliable.

171. The Deputy Commissioner of Kohát remarks that the detention of witnesses is better than a hurried enquiry. It is not however the *bonâ-fide* detention of witnesses for purposes of justice that is the evil complained of, but their unnecessary and culpable detention, and the misrepresentation of the fact in the registers and returns.

172. The Deputy Commissioner of Lahore and others notice that holidays and Sundays are counted as days of detention, and suggest that they should be omitted from the calculation. The Circular, No. III of 30th January 1871, directs that Sundays and holidays should be included, and the fact explained in the column of remarks, which is perhaps sufficient.

173. The Deputy Commissioner of Gujránwála suggests that notice of cases remanded should be given to the Nazir, so that the correct date of departure of a witness may be recorded.

BENGAL SECRETARIAT LIBRARY

174. In Ludhiánah the witness diary was initialled by the Reader of each Court instead of by the Magistrates themselves. In Ambálah the diaries had been neglected. In Gurgáon it was noticed that when a case is transferred to another Court a new date was sometimes given as the date of first attendance of witnesses, instead of the original date. In Jálandhar the subject was somewhat neglected. In Amritsar witnesses were often omitted altogether from the register. In Bannú omissions also occurred.

175. The Deputy Commissioner of Muzaffargarh remarks that the test afforded by the detention of witnesses often tells against a really hard worked officer, who is obliged to postpone a few cases and detain a few witnesses, and in favor of an officer who has less work, and therefore leisure to examine and dismiss them punctually. To this it is sufficient to reply, that the non-detention of witnesses is not the *only* test of an officer's efficiency that is looked to, and that reasonable explanations on the subject are always admitted.

176. It has been found that the entry of the date of attendance notified in the Police recognizance as the presumptive date of real attendance to be noted in the Sheriff's register is a valuable check against incorrect returns. In cases not initiated by the Police, the date of attendance entered in the summons is the date to be entered in the register, unless otherwise explained. The Circular (III of 1871) further directs that *every Magistrate's* Court shall keep up a witness diary. From the local reports it appears that in many instances the only diary kept up is that of the Sheriff of the district, and even this is not regularly verified and initialled by the Magistrates. The attention of all Magistrates requires to be directed to the rules in the Circular.

Diet money.

177. This subject has been generally noticed in the reports, and the existing practice explained. As reported last year the practice varies greatly; in some districts diet money is tendered whether applied for or not; in others it is only given when asked for; in others again it is only given to indigent witnesses, or to those who have come a long distance, or have been detained a long time. In the Peshá̄war district no diet money at all was given. In Gujránwála the rule is to give diet money when asked for, but in practice it was never asked for. In Lahore diet money was erroneously given to witnesses giving evidence on professional matters, which they were officially bound to give.

178. The Deputy Commissioner of Gujránwála suggests that inferior zemindars and petty tradesmen should be paid under Class V (two annas to four

annas,) instead of under Class IV (four annas to eight annas). In Karnál one anna per witness is allowed while the case is with the Police. In Gurdaspúr diet money is withheld from residents of the place. In Siálkot it is never withheld.

179. The subject of diet money has been for some time under consideration in connection with that of process fees in criminal cases, and will shortly be disposed of. The general opinion seems to be that diet money on the liberal scale contemplated in Book Circular 33 of 1867 is not really required or appreciated, and that a subsistence allowance for indigent witnesses is usually all that need be provided for. The system at all events should be uniform, and not erratic, as at present.

RECORD ROOMS.

180. The "mouzawar" or "village bundle" system of arranging Judicial Records has been very generally carried out, and is said to work very well. Under this system the file of a case is placed in the bundle of records of the village in which the offence occurred, or the accused resided. There are occasional cases of doubt, such as in a riot, in which several villages are concerned, but in such cases the file is recorded in one village bundle, and a note of the fact is recorded in the others. For all practical purposes the clue afforded by "locality" is sufficient, and it has various substantial advantages over the chronological system, not the least of which is, that it enables a Magistrate, and especially a new incumbent, to see at a glance what villages are most troublesome, what crimes they are particularly addicted to, and where bad characters are to be looked for.

In a few districts the system had not yet been introduced, *viz.* :—

Gurgáon—Reason not given, but the Deputy Commissioner quotes an order of the Commissioner of Dehli.

Bannú—*Reasons*—No orders, and no funds.

Hoshiárpúr—*Reason*—Crowded state of record rooms.

In Jhang the records had been in confusion, but were put to rights by the Deputy Commissioner, and are now in good order.

In Ambálah the work of bringing files on the registers was greatly in arrears, this was taken notice of by the Commissioner. The criminal files had not yet been arranged mouzawar for want of funds.

In Amritsar the records were in a bad state, and the re-arrangement was proceeding very slowly, and with interruptions, owing to want of funds.

In Derah Ismail Khán the re-arrangement was nearly complete.

In all other districts the system was in operation, and was found advantageous.

JURIES AND ASSESSORS.

181. The statement of juries and assessors shows that Commissioners tried 444 cases with the aid of assessors, and agreed with the opinion of the assessors in 399 cases. In Jálandhar and the Derajat the Sessions Judge agreed with the assessors in every case, and in Ambálah and Multán in every case but one. In Pesháwar, however, the Judge differed from the assessors in 20 cases, and in Hissár in 7 cases.

In Deputy Commissioners' Sessions Courts assessors were employed in 420 cases, and the Judge agreed with them in 387 cases. In Dehli the Judge differed from the assessors in 6 cases, in Lahore in 8 cases, in Gurgáon, Amritsar, Fírozpúr and Bannú, in 3 cases each; in 7 other districts in one case; and in the remaining 14 districts, where trials were held, in no case.

Opinions as to the value of assessors.

182. The opinions of officers are, with very few exceptions, in favor of the employment of assessors. It is remarked by more than one officer that the assessors do not confine themselves to the consideration of the evidence placed before them in Court, but act partly upon the view of the case they have formed "out of doors." The Commissioner of Pesháwar considers this a disadvantage, while the Commissioner of Hissár considers it an advantage. In Pesháwar the assessors are said to be usually inclined to acquit.

183. The Commissioner of Hissár, Major McMahon, says—

"I am very much in favor of assessors. They often suggest very pertinent questions during the examination of witnesses, and the popular view of the merits of each case, which they usually imbibe out of Court, is sometimes, in the absence of counsel for the accused, of service to the Judge in putting him on his guard in fabricated cases. This view of the functions of assessors is of course wholly opposed to modern ideas regarding the duties of a jury, but it will not be forgotten that in former times in England those persons were selected to serve on a jury who, from their local knowledge, were supposed likely to bring to the trial a knowledge of the *facts* of the case."

The Commissioner goes on to say—

"I never attempt to sum up the evidence before taking the opinion of the assessors. It would be impossible to do so without indirectly conveying to their minds the Judges' opinion on the merits of the case, and were they to know it, their award would too frequently agree with the view taken by the Judge. I think it better to try and arrive at the unbiassed opinion of the assessors themselves, though this is often extremely difficult to obtain."

Summing up.

The Deputy Commissioner of Lahore (Mr. Barkley), on the other hand, says—

"I have always explained to them the points they had to consider and determine, and summed up the evidence, unless so brief as to render this unnecessary."

184. The Deputy Commissioner of Gujránwála (Mr. Cordery) remarks that assessors are inclined to be lenient, and that they are not unwilling to serve if *treated with due consideration*. This is, in the opinion of the Court, an important point. Assessors cannot be expected to take a real interest in their work, and to discharge it in a dignified and impartial manner, if they are treated with anything approaching to distrust, indifference or discourtesy; and although the Court has no reason to believe that this is ever the case, still there must be a constant temptation in this direction in the minds of officers, who reiterate, as some do, that they find assessors of no use, stupid, partial, unwilling to serve, and the like.

Treatment of Assessors.

185. The Officiating Deputy Commissioner of Montgomery remarks that in such a poor and thinly peopled district it is difficult to get a sufficient number of respectable and intelligent men to enter in the list of assessors within the prescribed distance of 24 miles, and he suggests that the limit be raised in such tracts. This the Local Government can do, if necessary, under Section 329 of the Code.

Limit of distance for assessors' list.

STAMP LAW.

186. The principal points on which enquiry was made are, as to how far the reduction of the stamp duty on complaints from one rupee to eight annas has caused an increase in petitions, and how far the Courts attend to Section 31 of the Act, directing them to refund the stamp duty to the complainant at the expense of the accused when convicted.

187. There is the usual difference of opinion as to whether prosecutions are affected by such a petty tax as eight annas or even one rupee. It is

held by some that any man who wishes to annoy an adversary, or who has received injury at his hands, is prepared to expend this small sum, in addition to the further expense that must in any case be incurred for having his petition written, and the trouble of going to Court himself, and perhaps also the expense of having to pay two or three witnesses to be ready with their support. On the other hand, the returns often show that notwithstanding the reduced stamp petty petitions have not increased, and from this some officers conclude that the reduction has had no effect.

Stamp duty on petty complaints.

Again, some think that assault cases act as a safety-valve for the angry feelings of the people, which might otherwise find vent in more serious crime; while others hold that such petty disputes are unworthy of the attention of our Courts; that if a man has a real grievance he can sue on the Civil side for damages; and that the time of the Courts can be more profitably employed than in hearing such cases, which too often end in nothing.

188. It is evident that the difference between eight annas and one rupee, or even the imposition of so small a tax at all, cannot have so much effect in increasing or decreasing petty complaints as other and more potent causes may have. The argument that the stamp is a tax upon justice, is one that has never been seriously held in the Panjab as a valid objection. There is no intention apparently of either raising or lowering the amount at present, so that all that has to be considered is the practical effect of the rule. To this it must be replied, that the opinions of local officers differ so much that the practical effect cannot be very self-evident, and that the effect is not very decided in diminishing petty complaints in the province generally, though it may do so in particular districts. In the Hissár and Lahore districts the increase of assaults, &c., is attributed to the reduction of the stamp; but in the majority of districts the stamp duty, whether of one rupee or eight annas, has no appreciable effect in reducing petty complaints. The more serious complaints, on which it is equally chargeable, are not, and naturally would not be, affected by so slight a cause.

189. When the incidence of the fee is transferred under Section 31 of the Court Fees Act from the complainant to the offender, it is practically a fine imposed on the latter, and is only distinguished from a regular fine by its being credited to the complainant instead of to the State. It seems hard that the Magistrate is so seldom in a position to award compensation under Section 270 to a person wrongfully accused, while he is *bound* in *every* case of conviction to pass an order entitling the complainant

Refund of stamp duty to complainant by accused.

to recover the cost of complaint from the offender. The matter might well have been left to the discretion of the Magistrate as a question of Criminal law, instead of being inserted as a provision of the Stamp Law, which makes it virtually a fine, which it is compulsory to impose, whereas under the Criminal law it would in many such cases be optional to impose a fine. It must be remembered that the payment of the fine is not merely a punishment on the offender, but its collection gives much trouble to the agency employed. It is the complainant usually who derives the greatest benefit or satisfaction from the punishment of the petty offender, and for this he should be prepared to pay a small sum, which it is scarcely worth his while to recover. As a matter of fact it is found that the complainant does not like the trouble and delay of applying for the refund, and this is the chief reason why the section is not uniformly attended to. Some officers had apparently never heard of it till their attention was drawn to it in last year's Annual Report; others report that it was regularly attended to, but they do not say in how many cases. The returns do not show the exact number of cases in which it was applicable. The daily registers of the Courts should show the amount of stamp duty levied on petty complaints, but no annual return of the results has as yet been prescribed. This however will be attended to. Upon the whole it appears that Section 31 is attended to more generally than formerly, but by no means so uniformly as the law requires.

190. As a means of raising a small revenue from petty criminal cases that affect the individual more intimately than the community, the tax upon these complaints, whether paid by complainants or by offenders, is not felt as a hardship, and in cases where it might be so felt there is sufficient relief in the provision which allows the Magistrate to remit the fee.

191. It is singular that after so much discussion about the hardship of making complainants in petty cases pay for the administration of justice, the Court Fees Act allows fees to be charged for processes in criminal cases, the amount of which would often be much heavier than the stamp duty on the complaint, and which could be irrecoverable in probably 80 per cent. or more of the cases; for, as already shown, the convictions in assault cases, which form the largest class of petty complaints, are only 25 per cent., and where fines are imposed, they are recoverable in not much more than half the cases.

192. The subject of process fees in criminal cases is under consideration in connection with that of diet money for witnesses.

TRACK LAW.

193. More general attention has been directed to the subject of tracking, but much more will have to be done if the system is to regain the footing it had in the Panjab many years ago. The subject involves two distinct questions, the relation of which to each other is often misapprehended: one is the employment of trackers for tracing thieves and criminals of all kinds; the other is the imposition of a fine on villages where stolen property is supposed to have been secreted, or the offenders to be harboured, because the tracks go no further. The latter is a more serious question than the former, and requires to be guarded with due restrictions. It is obvious that to give the tracker—an irresponsible and obscure individual—the power to bring down heavy punishment on a whole village community by his merely declaring that certain marks on the ground are those of persons who have never been apprehended, and indicate the retention of property which has not always been proved to exist, is a measure that requires great caution in its application.

194. Though the track rules of 1850 have always had the force of law, they have of late years been very sparingly applied. They are re-affirmed in another form in the Frontier Rules recently introduced, in connection with the question of responsibility of landholders and lumberdars, and in that way their operation will probably be salutary.

In Hissar genuine cases of compensation under the track law appear to occur frequently. The Deputy Commissioner says—

"There were 27 cases instituted under the track laws. In 14 compensation was recommended, and in 8 cases the awards were sanctioned, in two rejected; four cases being still awaiting the decision of the International Court of Vakeels at Jaypur, the stolen property having been traced into that territory."

The Deputy Commissioner has since explained that in two of these cases compensation was eventually awarded. In the other two replies had not been received.

195. The other system, that of tracking as a collateral means of bringing offenders to justice, and securing other evidence against them, is still adopted in many parts of the Panjab, and often with great success. The evidence of a tracker as to the identity of certain foot-prints of men and animals may be accepted by the Courts for what it is worth, as that of an expert, while to the Police it often gives a valuable clue to other corroborative evidence.

196. In Sirsa tracks are often followed into the Pattiala territory. In Gujranwala trackers are largely employed in cattle cases. The Deputy Commissioner says—

"There is hardly a case of cattle lifting in this district in which the services of the tracker have not been employed; and since the receipt of the Criminal Report for 1870, I have not hesitated in giving rewards to men who have thus been successful in recovering stolen property. How much the thieves themselves fear this agency is proved by their use of "*khoosas*" or leathern mufflers, which, while impeding the pace of the cattle, yet destroy the trail. What distances such tracks can be followed is known to all officers who have ever employed "Khojees" in marking down large game. Circular VI of 1863 has fallen into disuse because Magistrates cannot trust the Police, with whom the tracker serves, in cases so easily admitting of fraud, and also affording so easy a means of extortion, as claims for compensation against a village under the track law only. But the tracker deserves all encouragement, quite apart from the particular use to which his services could once be put with more safety than they can now."

197. In Bannu criminals are often tracked into the hills, and the cases dealt with politically. In Multan the system is well worked. In Shahpur it has been encouraged by rewarding successful trackers. In Derah Ghazi Khan considerable use is made of the system. In Derah Ismail Khan 44 cases occurred, in 36 of which convictions were obtained for receiving stolen property. The Deputy Commissioner has opened a school for teaching selected policemen the art of tracking, and some success has been attained.

198. In Gurdaspur, however, the Deputy Commissioner, Colonel Fendall, who has served in other districts where trackers are more employed, says—

"There are only three professional trackers now in the district. Yet at annexation the trackers of this part of the country were as famous as those in other parts. They were, however, chiefly common caste men, and their evidence was less and less relied on in our Courts. This may account for the profession having died out."

199. Mr. Bullock, Officiating Deputy Commissioner of Muzaffargarh, says—"The trackers should be most vigilantly watched, for as a rule they are sheer impostors." He admits however that "they can follow foot-prints, and find them again when lost with considerable sagacity." This is admitting almost all that is contended for by the supporters of the system.

200. The Deputy Commissioner of Gujrat says—

"No cases took place under the track law on the criminal side, but in two cases the owners of stolen property sued and obtained decrees of Civil Courts for the value of property stolen."

Further enquiry has been made regarding these cases.

201. Upon the whole, it is admitted that trackers, under proper supervision, are capable of giving great assistance in the administration of Criminal Justice, and that the efforts being made to encourage the system are worth continuing.

ARMS ACT.

The Commissioner of Peshawar remarks that 22 murders in the Peshawar District were committed by thieves "most probably when detected in acts of burglary," and that four notable robbers were killed by persons defending their property. From this he argues that it is necessary to "allow the people to keep arms for their own protection."

Further on he says—

"It is absolutely necessary to the safety of life and property in the villages of the Peshawar valley that a few armed men should be always on the watch in the guest-houses ("Hujras"), and patrol with the village-watchmen at intervals; also that armed men should accompany the flocks and herds that are sent out to graze in the open plains under the hills."

Of the 93 murders that occurred in the Peshawar district, no less than 70 were committed by means of lethal weapons, 28 with fire arms, and 42 with swords, daggers, knives &c. There is no doubt that the general possession and use of arms among a population naturally excitable and sensitive, tends to encourage violent crime.

There is a remarkable manufacture and trade in fire-arms, chiefly rifles, in some villages close to Kohat; many of these rifles find their way across the border. The number manufactured is not however, as far as is known, so great as is sometimes supposed, being only about 50 per annum. There are five registered and licensed manufactories, each of which turns out only about 10 rifles in a year. The process is tedious, and the rifles are of good and durable quality, and therefore fetch a good price, which perhaps tends to keep the demand low. To prevent as far as practicable the export of these rifles across the border, the Deputy Commissioner has inserted in the licenses that "no rifle is to be made on the order of, or for, a Trans-border man, and that no order for a rifle for a British subject is to be put in hand until the orderer has given good security for an amount equal to double the value of the rifle ordered that it will not directly or indirectly cross the border; and until the order and security have been registered in the Police Station work is not allowed to be commenced." It is obvious that to repress the manufacture altogether would merely drive the manufacturers across the border, where they would carry on a brisker trade than ever. These restrictive measures have only been recently introduced, and it is too early to judge of their effect.

CONCLUSION.

Notwithstanding the increase of work during the year 1871, and the frequent interruptions caused by changes of officers, the Criminal Administration of the Province has been carried on with a promptitude and efficiency very creditable to the Courts. The past year closes the first decade of the regular judicial system introduced on 1st January 1862. The increase of crime that has taken place during that period is shown in the following Statement :—

Years.	Non-bailable cases.	Bailable cases.	Total.
1862, ...	12,198	22,051	34,249
1863, ...	10,438	23,600	34,038
1864, ...	12,432	29,927	42,359
1865, ...	13,488	30,935	44,423
1866, ...	13,047	33,710	46,757
1867, ...	13,698	35,705	49,403
1868, ...	16,792	37,677	54,469
1869, ...	19,359	34,822	54,181
1870, ...	17,540	37,799	55,339
1871, ...	17,632	43,964	61,596

The reports of Commissioners and Deputy Commissioners are forwarded herewith in original. The usual imperial returns are annexed in print.

Commissioners' Reports were received in this office on the following dates :—

Dehli,	...	... 15th February 1872.
Hissár,	...	... 21st Ditto.
Ambálah,	...	... 17th Ditto.
Jálandhar,	...	... 7th March 1872.
Amritsar,	...	... 27th February 1872.
Lahore,	...	... 10th Ditto.
Ráwalpindi,	...	... 28th Ditto.
Derajat,	...	... 26th March 1872.
Peshâwar,	...	... 21st February 1872.
Multán,		... Not received.

I have &c.,

J. A. E. MILLER,

Offg. Registrar, Chief Court of the Panjáb.

No. I.

STATEMENT OF ENQUIRIES AND TRIALS.

No.

COMPARATIVE GENERAL STATEMENT

1	2	3		4	5	6	7	8	9
				No. of Cases brought to Trial.			No. of Persons brought to Trial		
No.	Divisions.	DISTRICTS.		Non-bailable.	Bailable.	Total.	For Non-bailable offences.	For Bailable offences.	Total.
1	DEHLI.	Dehli, ...	1870,	583	1,134	1,717	966	2,166	3,132
			1871,	605	2,012	2,617	1,031	3,326	4,357
2		Gurgáon, ...	1870,	457	1,127	1,584	769	2,809	3,578
			1871,	297	889	1,186	479	1,830	2,309
3		Karnál, ...	1870,	436	554	990	857	1,319	2,176
			1871,	318	602	920	541	1,491	2,032
		Total, ...	1870,	1,476	2,815	4,291	2,592	6,294	8,886
			1871,	1,220	3,503	4,723	2,051	6,647	8,698
		Difference, ...		— 256	+ 688	+ 432	— 541	+ 353	— 188
4	HISSAR.	Hissár, ...	1870,	449	477	926	841	1,057	1,898
			1871,	371	578	949	627	1,343	1,970
5		Rohtak, ...	1870,	236	469	705	406	1,024	1,430
			1871.	205	592	797	362	1,665	2,027
6		Sirsa, ...	1870,	367	400	767	629	960	1,589
			1871,	294	327	621	499	658	1,157
		Total, ...	1870,	1,052	1,346	2,398	1,876	3,041	4,917
			1871,	870	1,497	2,367	1,488	3,666	5,154
		Difference, ...		— 182	+ 151	— 31	— 388	+ 625	+ 237
7	AMBALAH.	Ambálah, ...	1870,	662	1,584	2,246	981	3,279	4,260
			1871,	634	1,879	2,513	957	4,295	5,252
8		Ludiánah, ...	1870,	419	988	1,407	623	1,657	2,280
			1871,	395	972	1,367	620	1,753	2,373
9		Simla, ...	1870,	150	626	776	186	1,230	1,416
			1871,	129	690	819	163	1,712	1,875
		Total, ...	1870,	1,231	3,198	4,429	1,790	6,166	7,956
			1871,	1,158	3,541	4,699	1,740	7,760	9,500
		Difference, ...		— 73	+ 343	+ 270	— 50	+ 1,594	+ 1,544
10	JALANDHAR.	Jálandhar, ...	1870,	558	1,482	2,040	760	3,288	4,048
			1871,	406	1,782	2,188	621	4,537	5,158
11		Hoshiárpúr, ...	1870.	524	1,438	1,962	820	3,158	3,978
			1871,	554	1,640	2,194	787	3,851	4,638
12		Kángra, ...	1870,	307	1,626	1,933	481	3,904	4,385
			1871,	296	1,754	2,050	392	3,506	3,898
		Total, ...	1870,	1,389	4,546	5,935	2,061	10,350	12,411
			1871,	1,256	5,176	6,432	1,800	11,894	13,694
		Difference, ..		— 133	+ 630	+ 497	— 261	+ 1,544	+ 1,283
13	AMRITSAR.	Amritsar, ...	1870,	971	3,382	4,353	1,427	8,523	9,950
			1871,	952	3,709	4,661	1,443	9,516	10,959
14		Gurdáspúr, ...	1870,	530	2,314	2,844	866	3,664	4,530
			1871,	790	2,376	3,166	1,125	3,782	4,907
15		Siálkot, ...	1870,	680	2,039	2,719	942	4,926	5,868
			1871,	647	2,751	3,398	1,042	5,233	6,275
		Total, ...	1870,	2,181	7,735	9,916	3,235	17,113	20,348
			1871,	2,389	8,836	11,225	3,610	18,531	22,141
		Difference, ...		+ 208	+ 1,101	+ 1,309	+ 375	+ 1,418	+ 1,793

I.

OF ENQUIRIES AND TRIALS.

10	11	12	13	14	15	16	17	18	19	20	21	22
Disposed of.										Persons remaining under trial.		
Persons committed to the Sessions for trial.			Persons convicted.			Persons acquitted and discharged.			Number of persons who died, escaped, or were transferred.			Date of oldest case pending.
For Non-Bailable offences.	For Bailable offences.	Total.	Of Non-bailable offences.	Of Bailable offences.	Total.	Of Non-bailable offences.	Of Bailable offences.	Total.		For Non-bailable offences.	For Bailable offences.	
23	1	24	537	1,241	1,778	355	910	1,265	22	37	6	10th October 1870.
71	22	93	555	1,774	2,329	389	1,500	1,889	4	14	28	1st November 1871.
28	4	32	468	2,081	2,549	237	708	945	6	27	19	2nd December 1870.
47	18	65	294	1,198	1,492	129	613	742	7	3	...	16th December 1871.
20	...	20	460	751	1,211	369	568	937	4	4	...	20th December 1870.
35	...	35	317	977	1,294	174	514	688	11	4	...	2nd December 1871.
71	5	76	1,465	4,073	5,538	961	2,186	3,147	32	68	25	
153	40	193	1,166	3,949	5,115	692	2,627	3,319	22	21	28	
+ 82	+ 35	+ 117	— 299	— 124	— 423	— 269	+ 441	+ 172	— 10	— 47	+ 3	
10	6	16	607	741	1,348	216	308	524	1	7	2	21st November 1870.
24	7	31	417	913	1,330	183	423	606	...	3	...	16th December 1871.
27	2	29	268	689	957	94	322	416	10	9	9	17th December 1870.
20	2	22	224	1,239	1,463	98	423	521	3	17	1	2nd December 1871.
8	2	10	429	474	903	175	477	652	13	5	6	30th November 1870.
21	1	22	344	375	719	118	277	395	7	9	5	12th December 1871.
45	10	55	1,304	1,904	3,208	485	1,107	1,592	24	21	17	
65	10	75	985	2,527	3,512	399	1,123	1,522	10	29	6	
+ 20	...	+ 20	— 319	+ 623	+ 304	— 86	+ 16	— 70	— 14	+ 8	— 11	
33	11	44	680	2,041	2,721	257	1,216	1,473	2	10	10	8th December 1870.
41	4	45	611	2,564	3,175	288	1,719	2,007	2	16	7	7th December 1871.
17	8	25	415	639	1,054	188	1,004	1,192	...	3	6	9th December 1870.
26	15	41	399	703	1,102	181	1,023	1,204	3	13	10	13th December 1871.
1	...	1	142	960	1,102	43	270	313	...	...	...	
2	8	10	122	1,274	1,396	39	426	465	4	...	...	
51	19	70	1,237	3,640	4,877	488	2,490	2,978	2	13	16	
69	27	96	1,132	4,541	5,673	508	3,168	3,676	9	29	17	
+ 18	+ 8	+ 26	— 105	+ 901	+ 796	+ 20	+ 678	+ 698	+ 7	+ 16	+ 1	
25	8	33	512	1,345	1,857	199	1,914	2,113	16	11	18	22nd November 1870.
50	11	61	340	2,323	2,663	196	2,142	2,338	22	16	58	10th October 1871.
31	9	40	593	1,607	2,200	154	1,521	1,675	24	19	20	10th December 1870.
31	15	46	577	1,344	1,921	173	2,476	2,649	16	6	...	15th December 1871.
23	1	24	315	2,479	2,794	136	1,412	1,548	3	6	10	1st November 1870.
12	8	20	288	1,766	2,054	91	1,716	1,807		1	16	17th November 1871.
79	18	97	1,420	5,431	6,851	489	4,847	5,336	43	36	48	
93	34	127	1,205	5,433	6,638	460	6,334	6,794	38	23	74	
+ 14	+ 16	+ 30	215	+ 2	— 213	— 29	+ 1,487	+ 1,458	5	— 13	+ 26	
21	2	23	846	2,462	3,308	516	5,947	6,463	4	43	109	5th October 1870.
61	7	68	857	3,080	3,937	513	6,393	6,906	7	12	29	21st November 1871.
5	...	5	550	1,153	1,703	251	2,484	2,735	39	21	27	17th November 1870.
54	1	55	538	1,664	2,202	481	2,102	2,583	50	3	14	6th October 1871.
6	...	6	710	1,186	1,896	188	3,721	3,909	20	18	19	23rd December 1870.
24	18	42	615	1,608	2,223	361	3,477	3,838	42	13	117	8th November 1871.
32	2	34	2,106	4,801	6,907	955	12,152	13,107	63	82	155	
139	26	165	2,010	6,352	8,362	1,355	11,972	13,327	99	28	160	
+ 107	+ 24	+ 131	— 96	+ 1,551	+ 1,455	+ 400	— 180	+ 220	+ 36	— 54	+ 5	

1	2	3		4	5	6	7	8	9
				No of Cases brought to Trial			No of Persons brought to Trial		
No.	Divisions.	DISTRICTS.		Non-bailable.	Bailable.	Total.	For Non-bailable offences	For Bailable offences	Total.
16	LAHORE.	Lahore,	1870,	1,403	2,444	3,847	2,263	5,106	7,369
			1871,	1,453	3,258	4,711	2,272	6,444	8,716
17		Firozpúr,	1870,	757	1,034	1,791	1,211	2,376	3,587
			1871,	740	1,180	1,920	1,238	2,415	3,653
18		Gujránwála,	1870,	771	577	1,348	1,250	1,220	2,470
			1871,	855	698	1,553	1,313	1,460	2,773
		Total,	1870,	2,931	4,055	6,986	4,724	8,702	13,426
			1871,	3,048	5,136	8,184	4,823	10,319	15,142
		Difference,		+ 117	+ 1,081	+ 1,198	+ 99	+ 1,617	+ 1,716
19	RAWALPINDI	Ráwalpindi,	1870,	522	2,664	3,186	804	7,879	8,683
			1871,	566	3,176	3,742	886	7,025	7,911
20		Jhelam,	1870,	305	1,067	1,372	538	3,055	3,593
			1871,	361	1,288	1,649	612	3,683	4,295
21		Gujrát,	1870,	639	1,032	1,671	1,088	2,126	3,214
			1871,	800	1,184	1,984	1,175	2,825	4,000
22		Sháhpúr,	1870,	469	901	1,370	716	3,451	4,167
			1871,	591	887	1,478	993	2,862	3,855
		Total,	1870,	1,935	5,664	7,599	3,146	16,511	19,657
			1871,	2,318	6,535	8,853	3,666	16,395	20,061
		Difference,		+ 383	+ 871	+ 1,254	+ 520	— 116	+ 404
23	MULTAN.	Multán,	1870,	773	882	1,655	1,187	1,952	3,139
			1871,	626	1,127	1,753	939	2,803	3,742
24		Jhang,	1870,	533	508	1,041	814	1,623	2,437
			1871,	509	595	1,104	889	1,756	2,645
25		Montgomery,	1870,	666	417	1,083	1,074	1,103	2,177
			1871,	788	411	1,199	1,329	1,016	2,345
26		Muzaffargarh,	1870,	320	441	761	557	1,116	1,673
			1871,	363	798	1,161	541	1,696	2,237
		Total,	1870,	2,292	2,248	4,540	3,632	5,794	9,426
			1871,	2,286	2,931	5,217	3,698	7,271	10,969
		Difference,		— 6	+ 683	+ 677	+ 66	+ 1,477	+ 1,543
27	DERAJAT.	Bannú,	1870,	347	697	1,044	614	2,264	2,878
			1871,	419	1,050	1,469	785	3,165	3,950
28		Derah Ismail Khán,	1870,	612	738	1,350	949	1,946	2,895
			1871,	573	744	1,317	953	1,851	2,804
29		Derah Ghází Khán,	1870,	656	1,013	1,669	1,143	2,104	3,247
			1871,	540	1,218	1,758	972	2,371	3,343
		Total,	1870,	1,615	2,448	4,063	2,706	6,314	9,020
			1871,	1,532	3,012	4,544	2,710	7,387	1,097
		Difference,		— 83	+ 564	+ 481	+ 4	+ 1,073	+ 1,077
30	PESHAWAR	Peshawar,	1870,	1,018	2,776	3 794	1,793	7,883	9,676
			1871,	1,096	2,534	3,630	2,043	6,734	8,777
31		Hazárá,	1870,	186	486	673	318	1,058	1,376
			1871,	149	705	854	265	1,485	1,750
32		Kohát,	1870,	234	482	716	431	1,310	1,741
			1871,	310	558	868	528	1,636	2,164
		Total,	1870,	1,438	3,744	5,182	2,542	10,251	12,793
			1871,	1,555	3,797	5,352	2,836	9,855	12,691
		Difference,		+ 117	+ 53	+ 170	+ 294	— 396	— 102
		GRAND TOTAL,	1870,	17,540	37,799	55,339	28,304	90,536	1,18,840
			1871,	17,632	43,964	61,596	28,422	99,725	1,28,147
		Difference,		+ 92	+ 6,165	+ 6,257	+ 118	+ 9,189	+ 9,307

—*Concluded.*

10	11	12	13	14	15	16	17	18	19	20	21	22
Disposed of.										Persons remaining under trial.		
Persons committed to the Sessions for trial			*Persons convicted.*			*Persons acquitted and discharged.*			Number of persons who died, escaped, or were transferred.			Date of oldest case pending.
For Non-bailable offences.	For Bailable offences.	Total.	Of Non-bailable offences.	Of Bailable offences.	Total.	Of Non-bailable offences.	Of Bailable offences.	Total.		For Non-bailable offences.	For Bailable offences.	
42	28	70	1,552	2,986	4,538	594	2,070	2,664	58	17	22	7th December 1870.
82	22	104	1,392	3,635	5,027	744	2,782	3,526	32	23	4	4th December 1871.
10	...	10	909	1,329	2,238	271	1,023	1,294	6	18	21	22nd September 1870.
61	2	63	880	1,280	2,160	291	1,125	1,416	1	6	7	5th December 1871.
8	1	9	787	688	1,475	415	515	930	11	30	15	1st December 1870.
32	8	40	811	843	1,654	437	571	1,008	12	22	37	14th November 1871.
60	29	89	3,243	5,003	8,251	1,280	3,608	4,888	75	65	58	
175	32	207	3,083	5,758	8,841	1,472	4,478	5,950	45	51	48	
+ 115	+ 3	+ 118	— 165	+ 755	+ 590	+ 192	+ 870	+ 1,062	— 30	— 14	— 10	
43	19	62	498	2,949	3,447	232	2,875	3,107	13	26	28	23rd November 1870.
121	125	246	525	3,474	3,999	205	3,408	3,613	23	13	17	16th November 1871.
21	2	23	350	1,304	1,654	153	1,704	1,857	2	13	44	1st December 1870.
48	8	56	370	1,432	1,802	183	2,209	2,392	5	7	33	9th November 1871.
15	4	19	720	942	1,662	304	1,108	1,412	21	31	69	30th November 1870.
16	4	20	751	931	1,682	338	1,879	2,217	26	46	9	23rd November 1871.
37	2	39	439	1,477	1,916	215	1,920	2,135	3	22	52	14th November 1870.
75	111	186	598	1,166	1,764	294	1,582	1,876	6	20	3	4th December 1871.
116	27	143	2,097	8,672	10,679	904	7,607	8,511	39	92	193	
260	248	508	2,244	7,003	9,247	1,020	9,078	10,098	69	86	62	
+ 144	+ 221	+ 365	+ 237	— 1,669	— 1,432	+ 116	+ 1,471	+ 1,587	+ 21	— 6	— 131	
18	...	18	834	827	1,661	319	1,043	1,362	6	10	82	6th November 1870.
18	...	18	621	1,561	2,182	293	1,228	1,521	2	5	14	16th October 1871.
31	1	32	580	873	1,453	164	726	890	18	27	17	12th November 1870.
25	36	61	628	1,136	1,764	228	557	785	5	5	25	21st November 1871.
5	13	18	814	796	1,610	236	276	512	3	16	18	16th November 1870.
13	5	18	1,011	611	1,622	290	392	682	1	14	8	16th November 1871.
25	1	26	370	535	905	154	561	715	2	6	19	2nd December 1870.
39	9	48	325	837	1,162	169	842	1,011	1	7	8	27th November 1871.
79	15	94	2,598	3,031	5,629	873	2,606	3,479	29	59	136	
95	50	145	2,585	4,145	6,730	980	3,019	3,999	9	31	55	
+ 16	+ 35	+ 51	— 13	+ 1,114	+ 1,101	+ 107	+ 413	+ 520	— 20	— 28	— 81	
54	8	62	240	1,344	1,584	301	905	1,206	3	17	6	20th October 1870.
52	11	63	264	1,959	2,223	456	1,173	1,629	2	11	22	4th December 1871.
2	...	2	517	883	1,400	421	1,058	1,479	...	9	5	31st October 1870.
20	17	37	483	947	1,430	415	870	1,285	3	33	16	1st November 1871.
12	1	13	684	1,077	1,761	418	1,008	1,426	4	25	18	4th September 1870.
27	4	31	499	1,222	1,721	409	1,133	1,542	2	35	12	9th November 1871.
68	9	77	1,441	3,304	4,745	1,143	2,971	4,111	7	51	29	
99	32	131	1,246	4,128	5,374	1,280	3,176	4,456	7	79	50	
+ 31	+ 23	+ 54	— 195	+ 824	+ 629	+ 140	+ 205	+ 345	...	+ 28	+ 21	
177	38	215	504	5,058	5,562	1,090	2,741	3,831	5	18	45	10th October 1870.
202	27	229	667	3,433	4,100	1,129	3,212	4,341	6	42	59	17th October 1871.
14	...	14	116	651	767	174	402	576	...	14	5	21st September 1870.
8	1	9	123	685	808	120	752	872	...	14	47	23rd September 1871.
42	...	42	210	937	1,147	170	373	543	1	8	...	23rd October 1870.
41	6	47	215	1,201	1,416	267	423	690	2	4	5	26th September 1871.
233	38	271	830	6,646	7,476	1,434	3,516	4,950	6	40	50	
251	34	285	1,005	5,319	6,324	1,516	4,387	5,903	8	60	111	
+ 18	— 4	+ 14	+ 175	— 1,327	— 1,152	+ 82	+ 871	+ 953	+ 2	+ 20	+ 61	
834	172	1,006	17,656	46,505	64,161	9,009	43,090	52,099	320	527	727	
1,399	533	1,932	16,661	49,155	65,816	9,682	49,362	59,044	307	437	611	
+ 565	+ 361	+ 926	— 995	+ 2,650	+ 1,655	+ 673	+ 6,272	+ 6,945	— 13	— 90	— 116	

No. I.

STATEMENT OF JUDICIAL TRIBUNALS.

IMPERIAL RETURN.

No.

STATEMENT SHEWING THE VARIOUS JUDICIAL TRIBUNALS, ORIGINAL AND APPELLATE

1	2	3	4	5	6	7
Class of Tribunals, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each and Jury or Assessors if any.	Judicial powers of each Tribunal, original and appellate.
Local and Subordinate Magistrates of 2nd class exercising Criminal powers only, ... Paid, ...				5	1	Section 22 Act VIII of 1869.
Unpaid,				48	1	
Local and Subordinate Magistrates of 2nd class exercising Civil and Criminal powers, ... Paid, ...				133	1	Section 22 Act VIII of 1869, and Sections 5, 6 and 7 of Act XIX of 1865.
Unpaid,				14	1	
Local and Subordinate Magistrates of 1st class exercising Criminal powers only, ... Paid, ...				4	1	Section 22 Act VIII of 1869.
Unpaid,				21	1	
Local and Subordinate Magistrates of 1st class exercising Civil and Criminal powers, ... Paid, ...				117	1	Section 22 Act VIII of 1869, and Section 8 of Act XIX of 1865.
Unpaid,				22	1	
Small Cause Courts confined to their proper functions				16	1	Tries cases under Act XI of 1865, up to Rupees, 500.
Small Cause Courts exercising also ordinary Civil and Criminal powers,				...	... *	
Boards of Magistrates, ... (Unpaid)				8	6	Section 22 Act VIII of 1869.
Magistrates of full powers exercising Criminal powers only, (Unpaid,)	10	10,200 Square Miles.	17,61,149	2	1	Section 22 Act VIII of 1869.
Magistrates exercising Criminal and Civil powers, (Paid,)				133	1	Section 22 Act VIII of 1869, and Secs. 10 and 11 of Act XIX of 1865. Deputy Commrs. hear appeals from the orders of Subordinate Magistrates.
Magistrates exercising enhanced powers under Act VIII of 1869, ...				25	1 Aided by 3 Assessors in all Sessions trials.	Sections 445 A. B., Act VIII of 1869.
Sessions Courts, ...				12	1 Aided by 3 Assessors in all Sessions trials.	Section 22 Act VIII of 1869, and Section 12 of Act XIX of 1865, also hear appeals from orders of Magistrates exercising full powers.
Chief Court, ...				1	3 Aided by a Jury of 12 men in orgnl. Criminal trials.	Act IV of 1866.
TOTAL, ...	...	...	...	561	...	... ...

* Average number.

1.

EXISTING IN THE PROVINCE OF THE PUNJAB ON THE LAST DAY OF THE YEAR 1871.

8	9	10	11	12	13	14	15	16	17	18	19	20	21
Prescribed qualifications of Judges previous to appointment.	Total number of Judges. European. Covenanted.	Commissioned Military.	Uncovenanted.	Native.	Aggregate annual salaries of officers	Aggregate annual cost of establishment.	Executive or other functions exercised by the same officers.	Average number of days devoted to judicial work	Average number of advocates attached to each tribunal.	Number of cases decided during the year. Original. Criminal.	Civil.	Appeals. Criminal.	Civil.
...	...	1	1	3			Cantonment Magistrates and Naib Tahsildars.	The entire year, Sundays and Gazetted holidays being excepted.	...	302	...	...	...
...	...	5	25	18			Canals, Customs, and Forest Department Officers.		...	641	...	...	...
...	14	...	10	109			Subordinate collectors, employed generally on administrative works, Supdts. of Abkaree and Registration.		...	10,630	53,149	...	...
...	...	...	...	14			Honorary Magistrates.		...	725	5,813	...	...
...	...	...	...	4			Tahsildars.		...	886	...	...	...
...	...	2	6	13			Canals, Customs, and Forest Department Officers, Honorary Magistrates. ...		...	1,661	...	...	...
...	8	2	3	109			Sub-Collectors, Supdts. of general administrative work and Registration.		...	17,206	60,156	...	...
...	...	1	...	21			Honorary Magistrates.		...	1,352	5,964	...	...
...	...	8	8	...			... ...		...	...	41,306	...	...
...	...	...	...	...			... .		...	2,299	200	...	...
...	...	...	4	46			City Magistrates.		...	4,364	...	...	...
...	...	2	...	...			Superintendents of Jails.		...	3	...	...	...
...	37	36	16	44			Local funds, Municipal, Nuzzool, Court of Wards.		...	21,113	45,802	2,461	8,270
...	4	17	4	...			Road and Ferry funds, Treasury, Registration, administrative charge of the Dt.		...	546	...	...	...
...	4	8	...	...			Superintendents of Revenue administration, Civil and Sessions Judge. Superintendent of Police, Appellate and Executive work.		53	477	1	3,092	4,330
...	2	...	1	...			No Executive functions.		23	12	4	532	1,674
...	64	82	78	381	9,60,780	4,11,565	... ...	...	76	62,220	2,18,395	3,085	14,274

IMPERIAL RETURN.

NO. 2.

STATEMENT OF OFFENCES REPORTED, AND OF PERSONS TRIED, CONVICTED, AND ACQUITTED, FOR EACH OFFENCE IN THE PANJAB, DURING THE YEAR 1871.

NUMBER.	DESCRIPTION OF OFFENCES.	Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted or discharged.	Number of persons convicted and committed.	Died, escaped, or transferred.	Remaining under trial.
	NON-BAILABLE.							
1	Concealing a design to commit a non-bailable offence, ...	118 to 120	3	19	15	4	...	...
2	Giving false evidence, ...	194 to 196	1	15	15	...	...	...
3	Fabricating false evidence, ...	194 to 196	...	9	...	9	...	...
4	Counterfeiting coin, ...	231 to 256	8	17	6	11	...	...
5	Passing or possessing bad or altered coin, ...	239 to 243, 250 to 254	150	152	63	85	...	4
6	Diminishing or altering coin, ...	246 to 249	8	9	3	6	...	...
7	Murder by thugs, ...	302, 303 and 396	14	18	4	10	4	...
8	Murder by dacoits, ...		7	7	...	7	...	...
9	Murder by robbers, ...		24	14	12	2	...	...
10	Murder by poison for sake of robbery, ...		9	15	1	13	...	1
11	Murder by poison from other motives, ...		24	37	24	11	1	1
12	Other murders from motives connected with women,		108	271	118	140	1	12
13	Other murders from other motives, ...		175	411	154	233	...	24
14	Fanatic murdering or attempt to murder, ...	Sec. 2, Act XXIII of 1867.	1	1	...	1	...	...
15	Murder, ...	Regulation Sec. 17 of 1817—1819 and Judicial Cir. 14 of 1859.	4	4	2	2	...	...
16	Attempt to murder, ...	307	74	112	54	56	...	2
17	Culpable homicide, ...	304	168	405	124	269	3	9
18	Abetment of suicide, ...	305, 306	4	4	1	3	...	...
19	Being a thug, ...	311	1	...	...	...	...	...
20	Causing miscarriage, ...	313 to 316	12	21	15	6	...	...
21	Grievous hurt by dangerous weapons, ...	326	63	96	44	48	...	4
22	Causing hurt or grevious hurt to extort property or confession, or to constrain a person, ...	327, 329, 331 and 333	5	8	7	1	...	...
23	Administering stupefying drugs, ...	328	97	95	51	42	...	2
24	Assault in attempting theft from person, ...	356	53	45	27	16	...	2
25	Kidnapping or abduction, ...	363 to 365, 367 to 369	220	212	118	72	6	16
26	Abducting a woman to compel marriage or for defilement,	366	65	110	62	36	7	5
27	Habitual dealing in slaves, ...	371	5	2	2	...	...	...
28	Selling, letting or unlawfully obtaining a woman for purposes of prostitution, ...	372, 373	18	38	24	11	3	...
29	Rape, ...	376	198	170	112	55	1	2
30	Attempt at Rape, ...	376, 511	13	9	6	3	...	...
31	Abetment of do., ...	376, 109	1	2	1	1	...	...
32	Unnatural offence, ...	377	117	109	47	59	...	3
33	Attempt at do., ...	377, 511	4	2	1	1	...	...
34	Theft of cattle, ...	379	6,031	5,222	1,602	3,501	43	76
35	Attempt at do., ...	379, 511	12	9	5	4	...	...
36	Abetment of do., ...	379, 109	...	11	4	7	...	...
37	Theft, ordinary, ...	379 to 381	11,021	9,517	2,887	6,485	38	107

Number.	DESCRIPTION OF OFFENCES.	Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted or discharged.	Number of persons convicted and committed.	Died, escaped, or transferred.	Remaining under trial.
38	Attempt at Theft, ...	379, 511	155	225	63	159	3	...
39	Abetment of do., ...	379, 109	3	25	1	24	...	...
40	Theft, after preparation for causing death, or hurt, or restraint of cattle, ...	382	20	10	8	2	...	...
41	Do. do. ordinary, ...	382	9	11	11	...	...	...
42	Extortion by causing fear of death, or grevious hurt or accusation, ...	386 to 389	6	11	10	...	...	1
43	Robbery in a dwelling house, ...	392, 393	119	106	46	58	1	1
44	Robbery on the highway, ...	...	144	188	97	84	...	7
45	Robbery elsewhere, ...	...	130	102	58	40	4	...
46	Robbery with hurt or deadly weapon, by poison or stupefying drugs, ...	394, 397, 398	38	53	16	24	...	13
47	Do. do. by other means, ...	...	15	16	6	10	...	...
48	Dacoity, ...	395, 398	58	80	38	41	1	...
49	Dacoity with grevious hurt, ...	397	4	4	4	...	...	...
50	Preparation or assembly for dacoity, ...	399, 402	2	5	1	4	...	...
51	Belonging to a gang of dacoits, ...	400	...	2	...	2	...	...
52	Belonging to a gang of thieves, ...	401	6	27	3	23	...	1
53	Criminal breach of trust, ...	406 to 409	452	463	210	246	4	3
54	Dishonestly receiving stolen property, ...	411 to 414	2,953	4,462	1,740	2,561	104	57
55	Serious mischief by fire, ...	436, 438	69	45	34	9	1	1
56	House-trespass in order to the committing of theft, ...	451	56	62	25	37	...	...
57	House-trespass in order to the committing of an offence punishable with death or transportation for life, ...	449, 450	7	4	3	1	...	...
58	House-trespass having made preparation for causing hurt,	452	5	4	3	1	...	...
59	Lurking house-trespass or house-breaking, ...	453, 456	2,898	523	162	356	...	5
60	Attempt at ditto, ...	453, 456, 511	7	23	8	13	...	2
61	Lurking house-trespass or house-breaking in order to the committing of theft, ...	454, 457	9,259	4,216	1,348	2,780	25	63
62	Attempt at do., ...	454, 457, 511	269	45	9	36	...	...
63	Abetment of do., ...	454, 457, 109	1	24	11	13	...	...
64	Lurking house-trespass or house-breaking in order to the committing of an offence other than theft, ...	454, 457	565	366	121	239	1	5
65	Lurking house-trespass or house-breaking having made preparation for causing hurt, ...	455, 458	31	34	12	22	...	...
66	Lurking house-trespass or house-breaking with attempt to cause death or grievous hurt, ...	459, 460	34	35	13	19	1	2
67	Forgery or fraudulently using or possessing forged document, ...	466 to 468, 472 to 477	27	76	29	44	...	3
68	Fraudulent and unlawful marriages, ...	493, 495, 496	17	42	29	12	...	1
69	Wrongful confinement, ...	Judicial Cir. 18 of 1859,	...	1	...	1	...	...
	BAILABLE.							
70	Concealing a design to commit a bailable offence, ...	119, 120	121	7	5	2	...	...
71	Abetment of desertion, ...	135 to 137	1	9	5	4	...	...
72	Abetment of insubordination, ...	138	1	1	1	...	...	...
73	Personating a soldier, ...	140	1	6	6	...	...	...
74	Being a member of, or joining an unlawful assembly,	143 to 145, 151 to 158	26	354	148	205	...	1
75	Rioting, ...	147 to 149, 152, 153	578	5,502	1,314	4,107	2	79
76	Omission to prevent, or give information of a riot, ...	154 to 156	1	1	...	1	...	...
77	Affray, ...	160	294	1,443	373	1,070	...	...
78	Bribery, ...	161 to 165	217	249	164	79	...	6
79	Abetment of bribery, ...	161, 109	3	7	3	3	...	1

Number.	Description of Offences.	Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted or discharged.	Number of persons convicted and committed.	Died, escaped, or transferred.	Remaining under trial.
80	Public servant disobeying a lawful direction with intent to cause injury, ...	166	19	24	16	8	...	...
81	Public servant framing an incorrect document with intent to cause injury, ...	167	9	11	8	2	...	1
82	Public servant unlawfully trading or buying property,	168, 169	4	4	3	1	...	...
83	Personating a public servant, ...	170, 171	37	76	37	37	1	1
84	Evading, disobeying or preventing service of summons,	172 to 174	173	374	121	252	...	1
85	Omitting to produce a document, ...	175	2	3	...	3	...	...
86	Omitting to give information, ...	176	40	80	24	56	...	...
87	Giving false information, ...	177, 182	333	490	103	385	...	2
88	Refusing oath, answer or signature when duly required,	178 to 180	18	27	1	26	...	...
89	Making false statement on oath, ...	181 to 182	39	73	14	59	...	...
90	Resistance to the lawful taking or selling of property, ...	183, 184	139	266	97	167	...	2
91	Obstructing or omitting to assist a public servant, ...	186, 187	189	387	141	240	4	2
92	Disobedience to lawful order, ...	188	242	785	198	587	...	...
93	Threatening a public servant with injury, ...	189	4	4	2	2	...	...
94	Threatening with injury, ...	190	1	1	1	...	...	...
95	Giving or using false evidence (simple), ...	193, 196	101	186	72	105	1	6
96	Fabricating false evidence or using fabricated evidence (simple), ...	193, 196	27	56	13	41	...	2
97	Giving or using a false certificate, ...	197, 198	3	3	2	1	...	...
98	Making or using a false declaration, ...	199, 200	16	22	10	11	...	1
99	Screening an offender by causing disappearance of evidence, ...	201	39	93	48	42	...	3
100	Omitting to give information of an offence, ...	202	35	79	34	44	...	1
101	Giving false information respecting an offence, ...	203	17	25	10	12	...	3
102	Secreting or destroying documentary evidence, ...	204	6	7	6	1	...	...
103	False personation in judicial proceedings, ...	205	38	56	14	41	...	1
104	Fraudulently claiming or removing property to prevent legal seizure, ...	206, 207	11	17	12	5	...	...
105	Fraudulently suffering a decree, ...	208	2	2	2	...	...	...
106	False claim, ...	209	56	102	56	45	...	1
107	Fraudulently obtaining or executing a decree, ...	210	10	8	7	1	...	...
108	False charge of an offence, ...	211	119	207	109	98	...	...
109	Harbouring an offender, ...	212, 216	23	61	37	22	2	...
110	Taking gift to screen an offender, ...	213 to 215	61	144	47	96	...	1
111	Public servant fraudulently defeating punishment or forfeiture, ...	217, 218	25	36	12	24	...	...
112	Public servant making order or decision contrary to law,	219, 220	3	3	2	...	...	1
113	Public servant omitting to apprehend or suffering to escape, ...	221, 222	8	15	8	7	...	...
114	Public servant negligently suffering an escape, ...	223	62	98	14	83	...	1
115	Resistance to lawful apprehension, ...	224, 225	133	234	54	179	...	1
116	Abetment of ditto, ...	224, 225, 109	1	3	...	3	...	...
117	Attempt at ditto, ...	224, 225, 511	1	2	...	2	...	...
118	Insulting a public servant during judicial proceeding,	228	110	122	4	118	...	...
119	Making, possessing, or selling a counterfeit stamp, ...	255, 258, 259	1	12	12	...	...	...
120	Using or preparing for use a stamp known to have been used before, ...	261 to 263	4	4	2	2	...	...
121	Using, possessing, or selling false weights or measures,	264 to 267	84	140	51	88	1	...
122	Negligently or malignantly endangering human life,	269 to 271, 279, 280, 282, 284 and 289	104	216	78	134	...	4
123	Adulterating or selling adulterated food, ...	272, 273	43	70	25	42	...	3
124	Ditto ditto drugs, ...	274, 275	5	18	2	16	...	...
125	Defiling the water of a public reservoir, ...	277	34	65	13	52	...	...

Appendix No. 2.—*Continued.*

Number.	DESCRIPTION OF OFFENCES.	Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted or discharged.	Number of persons convicted and committed.	Died, escaped, or transferred.	Remaining under trial.
126	Making atmosphere noxious to health,	278	15	151	27	120	...	7
127	Obstructing a public way,	283	30	97	12	85	...	...
128	Committing nuisance,	290, 291	532	1,832	291	1,537	...	4
129	Selling or possessing obscene books,	292, 293	3	3	2	1	...	...
130	Obscene songs,	294	19	44	11	33	...	...
131	Religious insult,	295, 297, 298	41	103	82	21	...	...
132	Disturbing religious assembly,	296	3	4	3	1	...	...
133	Attempt to commit culpable homicide,	308	8	20	1	19	...	...
134	Attempt to commit suicide,	309	212	164	65	97	2	...
135	Causing miscarriage (simple),	312	26	37	26	10	...	1
136	Exposing and abandoning a child,	317	11	10	8	2	...	...
137	Concealment of birth,	318	21	30	15	15	...	...
138	Causing hurt,	323, 324	3,840	8,792	5,814	2,895	10	63
139	Attempt at ditto,	323, 324, 511	...	5	...	5	...	...
140	Causing hurt by dangerous weapons,	324	152	237	127	105	...	5
141	Causing hurt to extort confession &c.,	330, 332	17	39	9	30	...	...
142	Grievous hurt,	325	484	829	292	533	1	3
143	Grievous hurt on grave and sudden provocation,	335	33	67	14	46	...	7
144	Doing any act which endangers human safety,	336, 337	32	45	20	25	...	...
145	Causing grievous hurt by an act which endangers human safety,	338	9	8	3	5	...	...
146	Wrongful restraint,	341	290	580	423	157	...	...
147	Wrongful confinement,	342 to 346	205	387	260	127	...	...
148	Wrongful confinement to extort property or confession,	347, 348	15	29	19	10	...	...
149	Assault or use of criminal force,	352 to 355, 357, 358	13,129	29,112	21,575	7,395	...	172
150	Abetment of ditto,	...	2	35	19	16	...	...
151	Buying or disposing of any person as a slave,	370	11	35	15	20	...	...
152	Unlawful compulsory labor,	374	4	6	4	2	...	...
153	Extortion,	384, 385	121	244	171	70	...	...
154	Dishonest misappropriation,	403, 404	591	956	307	646	...	3
155	Cheating,	417 to 420	587	886	497	354	22	13
156	Abetment of ditto,	417, 420, 109	1	10	6	4	...	...
157	Fraudulent disposition of property,	422, 424	10	14	11	3	...	...
158	Executing a deed containing a false statement of consideration,	423	16	33	22	11	...	...
159	Mischief ordinary,	426, 427, 430 to 433	1,598	4,062	2,006	2,045	2	9
160	Mischief by poisoning or killing cattle,	428, 429	336	492	346	144	1	1
161	Mischief by destroying land marks,	434	37	74	50	24	...	...
162	Mischief by fire,	435	110	98	85	10	...	3
163	Criminal trespass,	447	415	880	613	264	...	3
164	House-trespass (simple),	448	295	325	132	189	1	3
165	House-trespass in order to commit an offence (other than theft) punishable with imprisonment,	451	23	24	11	13	...	...
166	Dishonestly opening a closed receptacle,	461, 462	12	14	8	6	...	...
167	Forgery (simple),	465, 469, 471	92	157	98	48	2	
168	Making or using false trade or property mark,	482, 484, 486, 488	2	4	1	3	...	...
169	Making or possessing instrument for counterfeiting a trade mark,	483	1	1	...	1	...	...
170	Removing or destroying a property mark,	487	1	9	9	...	...	...
171	Criminal breaches of contracts of service,	490, to 492	30	55	33	22	...	...

Appendix No. 2.—*Continued.*

Number.	DESCRIPTION OF OFFENCES.	Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted or discharged.	Number of persons convicted and committed.	Died, escaped, or transferred.	Remaining under trial.
172	Bigamy, ...	494	84	177	159	12	...	6
173	Adultery, ...	497	139	157	111	36	.	7
174	Enticing away a married woman, ...	498	2,943	3,733	3,034	607	5	87
175	Abetment of ditto, ...	498, 109	2	49	35	11	...	...
176	Defamation, ...	500 to 502	125	198	171	25	1	1
177	Insult, ...	504, 509	234	468	332	133	...	3
178	Criminal intimidation, ...	506, 507, 508	53	108	93	14	..	1
179	Being drunk and disorderly, ...	510	8	15	1	14	..	...
	SPECIAL AND LOCAL LAWS AND CRIMINAL PROCEDURE CODE.	C. P. C.						
180	Contempts and disobedience of orders, ...	163	230	322	10	312	...	...
181	Frivolous and vexatious complaints, ...	270	403	464	...	464	...	...
182	Proceedings to compel payment of penalty by accused,	219	3	7	1	6	..	...
183	Procedure by police officer upon seizure of property,	130	1	1	1	.	...	...
184	Recognizance to keep the peace, ...	280	733	3,033	811	2,222	...	...
185	Security to keep the peace,..	281	639	2,346	441	1,904	...	1
186	Enforcement of penalty against the principal party, ...	293	8	13	6	7	...	...
187	Lurking without ostensible means of subsistence, ...	295	451	599	235	356	2	6
188	Bad livelihood, ...	296, 297, 298	1,067	1,849	428	1,413	2	6
189	Payment of penalties by sureties, ...	305	35	52	11	41	...	...
190	Penalty for non-attendance of assessors, ...	354	3	4	2	2	...	...
191	Proclamation of an absconding party, ...	183	1	...	...	...	...	...
192	Local nuisances, Chap. XX, ...	... ...	114	170	36	134	...	..
193	Maintenance of wives and children, Chap. XXI, ...	... ...	1,630	1,736	1,372	347	1	16
194	Disputes relating to possession of land and water, Chap. XXII, ...	... ...	112	373	319	54	...	...
	SPECIAL LAWS.							
195	Breach of the laws relating to Excise on Spirits and Drugs, Acts XXI of 1856, XXIII of 1860, XVI of 1863, XXVIII of 1864, X of 1871.	... ...	288	506	128	375	...	3
196	Breach of the laws relating to Opium, Acts XXI of 1856, XXIII of 1860, XVI of 1863, XXVIII of 1864, X of 1871, ...	... ...	82	173	86	87	...	...
197	Breach of the laws relating to Salt and Saltpetre, Punjab Penal Code, Acts XXXI of 1861, XIV of 1843 and XXXVI of 1855, ...	... ...	211	440	35	405	...	...
198	Breach of the laws relating to Customs, Acts XIV of 1843 and XXXVI of 1855, ...	... ...	47	80	14	66	...	...
199	Breach of laws relating to Stamps, Acts X of 1862, XXVI of 1867, XVIII of 1869, VII of 1870, ...	... ...	231	516	107	407	...	2
200	Breach of laws relating to Post Office, Act XIV of 1866,	... ...	14	16	7	9	...	...
201	Do. do. Electric Telegraph, Act VIII of 1860, ...	... ...	1	1	...	1	...	...
202	Do. do. Jails, Act XXVI of 1870, ...	... ...	34	48	10	38	...	...
203	Do. do. Forests, Act VII of 1865, ...	... ...	18	55	1	54	...	...
204	Do. do. Ferries, Regulation VII of 1819,	... ..	6	19	5	14	...	...
205	Do. do. Canals, Act VII of 1845., ...	... ...	424	947	368	577	...	2
206	Do. do. Railways, Act XVIII of 1854,	... ...	100	126	31	95	...	...
207	Do. do. Stage Coaches, Act XVI of 1861, ...	... ...	33	41	14	27	...	...
208	Do. do. Gaming, Act III of 1867, ...	... ...	274	1,368	285	1,061	2	17
209	Do. do. Wandering and dangerous lunatics, Act XXXVI of 1858,	... ..	1	1	1	...	...	...

Appendix No. 2.—*Concluded.*

Number.	DESCRIPTION OF OFFENCES.	Number of offences reported during the year	Number of persons under trial during the year	Number of persons acquitted or discharged.	Number of persons convicted and committed	Died, escaped, or transferred.	Remaining under trial.
210	Breach of laws relating to Cattle trespass, Act III of 1857, V of 1860, XXII of 1861, I of 1871,	490	1,641	975	660	...	6
211	Do. do. Arms, Acts XXXI of 1860, VI of 1866,	192	229	88	137	...	4
212	Do. do. Cantonments, Act XXII of 1864,	1,699	3,456	161	3,295	...	...
213	Do. do. City Chowkeedars, Act XX of 1856,	4	6	...	6	...	...
214	Do. do. Village Watchmen, Regulation XX of 1817,	15	44	8	36	...	...
215	Do. do. Landholders,	12	45	5	40	...	..
216	Do. do. Track Law, (Local Rules) Circular No. 184 of 1849,	36	74	37	28	...	9
217	Do. do. Nuisances, Section 34 Act V of 1861,	1,986	4,904	487	4,415	...	2
218	Do. Police Act by Police officers, Act V of 1861,	412	1,023	224	799	..	...
219	Do. do. Nuisances, Act XXVI of 1850,	762	1,603	456	1,147	...	...
220	Do. do. Nuisances, Punjab Municipal Act XV of 1867,	1,530	2,306	836	1 470	...	...
221	Do. do. Other offences, Act XV of 1867,	122	406	29	377	...	...
222	Purchasing soldiers necessaries, stores, &c., Act VII of 1867,	7	7	...	7	...	...
223	Breaches of contract by artificers and workmen, Act XIII of 1859,	13	11	8	3	...	...
224	Pleaders Act, Section 18, Act XX of 1865,	2	5	4	1	...	...
225	Income Tax, Act XVII of 1871,	163	241	13	228	...	...
226	Breach of Octroi Rules,	23	43	8	35	..	...
227	Do. Contagious Disease Act, Act XIV of 1868,	6	6	3	3	..	...
228	Do. Mutiny Act,	1	1	...	1	...	...
229	Do. Prisons Act, Act XXVI of 1870,	11	13	3	10	...	...
230	Do. Registration Act, Act VIII of 1871,	7	28	..	28	..	...
231	Assault by Europeans, Section 105, Chap. 115, Act of Parliament 53 George III,	3	3	3	..	...	...
232	Breach of laws relating to Bridges, Act VIII of 1857,	1	1		1	...	...

No. 3.

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS CLASSES IN THE PROVINCE OF THE PANJAB IN THE YEAR 1871.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Number of Persons dealt with.							Persons disposed of.									
		Brought to trial during the year 1871.															
CLASS OF TRIBUNALS.	Remaining at end of last year	Under arrest by Police.	Upon Warrant	On Summons.	Voluntarily.	Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, Escaped or Transferred.	Total.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	Remarks.
Unpaid Magistrates, ...	125	3 906	357	7,350	249	4	11,991	2,215	3,098	6,618	14	4	11 919	42	5	17,885	
Local and Subordinate paid Magistrates,	447	24,839	2,890	41,345	1,318	40	70,879	15,491	19,026	35,802	146	16	70.481	398	7	82,656	
Full power Magistrates exercising jurisdiction throughout the District, ...	561	19,430	5,799	12,730	1,160	162	39,842	12,011	5,527	19,965	1,577	207	39 287	555	10	61,000	
Chief Magistrates of Districts, ...	85	3,299	465	1,350	225	11	5,435	1,105	512	3.460	195	80	5 382	53	7	8,590	
Total Magistracy, ...	1,218	51,174	9,511	62,775	2,952	217	1,28,147	30,822	28,193	65,845	1,932	307	1,27,099	1.048	7	1,70,131	
Sessions Courts, — Deputy Commissioners under Sections 445 *A.* and *B*, Act VIII of 1869, ..	21	776	199	...	...	13	1,009	...	257	719	...	1	977	32	15	3,494	
Sessions Courts, — Commissioners. ...	84	1 040	..	...	...	..	1,124	..	354	549	105	29	1 037	87	42	4,799	
Total, ...	105	1.816	199	...	...	13	2,133	..	611	1,268	105	30.	2,014	119	...	8,293	
Chief Court, ...	..	.	14	...	...	...	14	...	4	10	...	...	14	...	26	95	
Grand Total, ...	1,323	53,290	9,724	62,775	2,952	230	1,30,294	30,822	28,808	67,123	2,037	337	1,29,127	1,167	...	1,78,519	

No. 4.

STATEMENT SHOWING THE PUNISHMENTS INFLICTED BY THE VARIOUS CLASSES OF CRIMINAL TRIBUNALS IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1871.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENT.																					
		TRANSPORTATION.			IMPRISONMENT.				FINE.		WHIPPING.					FINE.									IMPRISONMENT.										WHIPPING.		
					Rigorous.																				One month.		Six months.		Two years.		Seven years.		Above 7 years.				
CLASS OF TRIBUNALS.	Death.	For life	For a term.	Penal Servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the Peace.	Recognizance.	Sureties for good behaviour.	Rupees 10 and under.	Rupees 50.	Rupees 100.	Rupees 500.	Rupees 1,000.	Above Rupees 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.
Unpaid Magistrates,	...	...	...	...	136	733	50	...	522	7,101	10	20	9	...	9	7,035	538	35	15	...	...	33,354	25,760	1,917	346	48	490	2	33	...	...	...	...	...	19	9	2
Local and Sub: paid Magts.,	...	...	...	...	...	7,500	309	..	5,739	24,854	155	612	...	...	...	25,358	5,082	134	19	...	...	2,26,042	1,93,663	11,934	2,809	264	4,591	44	97	1	..	...	...	...	215	335	217
Full power Magistrates exercising jurisdiction throughout the district, ...	...	...	...	...	2,808	2,630	374	...	5,771	7,959	178	796	1,542	1,899	1,291	7,048	4,088	448	142	3	1	2,25,792	1,52,289	15,516	691	142	1,860	174	2,885	58	2	...	...	...	179	421	374
Chief Magistrates of districts,	...	...	...	...	1,253	542	84	...	1,184	1,340	111	441	397	292	468	1,336	988	132	65	2	1	73,366	47,877	5,420	78	25	323	33	1,372	26	22	...	...	...	82	184	286
TOTAL MAGISTRACY, ...	..	...	...	...	4,197	11,405	817	..	11,216	41,254	454	1,869	1,948	2,191	1,768	40,777	10,696	749	241	5	2	5,58,554	4,19,581	34,787	3,924	479	7,267	253	4,387	85	24	...	...	...	495	949	879
Sessions Court. Deputy Commrs. under Secs. 445 A. B. Act VIII of 1869.	...	...	...	...	390	210	9	...	424	217	14	25	2	...	...	220	264	95	53	5	4	42,412	20,357	7,177	12	5	83	4	220	...	285	...	...	...	3	23	13
Sessions Court. Commissioners,	105	84	1	...	284	137	10	...	244	19	2	4	...	...	...	13	91	109	49	1		28,674	8,377	414	18	6	32	4	107	...	229	...	35	...	...	3	3
TOTAL, ...	105	84	1	..	674	347	19	...	668	236	16	29	2	...	..	233	355	204	102	6	4	71,086	28,734	7,591	30	11	115	8	327	...	514	...	35	...	3	26	16
Chief Court, ...	..	...	...	1	...	8	1	...	2	...	.	...	...	...	...	...	...	...	2	..	.	1,000	89	89	..	1	3	...	4	...	1	...	...	...	...	...	...
GRAND TOTAL, ..	105	84	1	1	4,871	11,760	837	..	11,886	41,490	470	1,998	1,950	2,191	1,768	41,010	11,051	953	345	11	6	6,39,640	4,48,354	42,461	3,954	491	7,385	264	4,718	85	539	.	35	...	498	975	895

IMPERIAL RETURN.

No. 5.

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE PROVINCE OF THE PANJAB DURING THE YEAR 1871.

1		2	3	4	5	6	7	8	9	10	11
TRIBUNALS.		Number of persons or Appellants applying for Revision under Sec. 404 Criminal Procedure Code.	NUMBER OF PERSONS.							Cases referred for Revision to Chief Court.	REMARKS.
			Appeals or Applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further enquiry or evidence ordered.	Pending.		
Magistrates of Districts.	Appeals from unpaid Magistrates,	..	31	288	44	80	4	13	4	..	
	Appeals from paid Magistrates,	..	341	2,311	548	713	4	126	20	..	
	TOTAL, ..	..	372	2,599	592	793	8	139	24	..	
Sessions Courts.	Appeals from unpaid Magistrates,	..	7	33	..	8	..	1	..	..	
	Appeals from paid Magistrates,	..	391	2,714	167	582	26	155	100	..	
	TOTAL, ..	..	398	2,747	167	590	26	156	100	..	
Chief Court.	Appeals	..	87	453	61	135	2	19	70	..	
	Revision, ...	212	..	385	143	150	63	..	27	145	
	TOTAL, ..	212	87	838	204	285	65	19	97	145	
	GRAND TOTAL, ..	212	857	6,184	963	1,668	99	314	221	145	

IMPERIAL RETURN.

No. 11.

STATEMENT SHOWING USE OF JURIES AND ASSESSORS IN THE CRIMINAL COURTS OF THE PROVINCE OF THE PANJAB, IN THE YEAR 1871.

1	2	3	4	5	6	7	8	9	10
COURTS.	Established or average number of Jury or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS. Cases in which Judge approved of verdict.	JURY TRIALS. Cases in which Judge did not approve of the verdict.	ASSESSORS TRIALS. Cases in which Judge agreed with Assessors.	ASSESSORS TRIALS. Cases in which Judge differed from Assessors.	Note showing in what class of cases Juries and Assessors have been principally employed.	REMARKS.
Chief Court, ...	12	10	...	10	...	...	...	...	
COMMISSIONERS' SESSIONS COURTS.									
Dehlí, ...	3	...	26	...	...	22	4	In all Sessions trials	
Hissár, ...	3	...	29	...	...	22	7		
Ambálah, ...	3	...	23	...	...	22	1		
Jálandhar, ...	3	...	32	...	...	32	...		
Amritsar, ...	3	...	24	...	...	21	3		
Lahore, ...	3	1	57	...	1	51	6		
Ráwalpindí, ...	3	...	39	...	...	36	3		
Multán, ...	3	...	50	...	...	49	1		
Derajat, ...	3	...	25	...	...	25	...		
Peshávar, ...	3	...	139	...	...	119	20		
TOTAL, ...	3	1	444	...	1	399	45		
DEPUTY COMMISSIONERS' SESSIONS COURTS.									
Dehlí,	3	...	28	...	...	22	6	In all Sessions trials	
Gurgáon, ...	3	...	22	...	...	19	3		
Karnal, ...	3	...	6	...	...	6	...		
Hissár, ...	3	...	16	...	...	16	...		
Rohtak, ...	...	...	...	...	...	...	...		
Sirsa, ...	...	...	...	...	...	...	...		
Ambálah, ...	3	...	5	...	...	5	...		
Ludiánah, ...	2	...	11	...	...	11	...		
Simla, ...	3	...	6	...	...	6	...		
Jálandhar, ...	3	...	5	...	...	4	1		
Hoshiárpúr, ...	3	...	28	...	...	27	1		
Kángra, ...	3	...	5	...	...	5	...		
Amritsar, ...	3	...	21	...	...	18	3		
Gurdáspúr, ...	3	...	13	...	...	12	1		
Sialkot, ...	3	...	19	...	...	19	...		
Lahore, ...	3	...	34	...	...	26	8		
Firozpúr, ...	3	...	31	...	...	28	3		
Gujránwála, ...	3	...	3	...	...	3	...		
Ráwalpindí, ...	3	...	35	...	...	35	...		
Jhelam, ...	3	...	9	...	...	8	1		
Gujrát, ...	3	...	7	...	...	6	1		
Sháhpúr, ...	3	...	25	...	...	25	...		
Multán, ...	3	...	12	...	...	11	1		
Jhang, ...	2	...	21	...	...	21	...		
Montgomery, ...	...	...	...	...	...	...	...		
Muzaffargarh, ...	3	...	4	...	...	4	...		
Bannú, ...	3	...	19	...	...	16	3		
Derah Ismáil Khán, ...	2	...	20	...	...	20	...		
Derah Ghází Khán, ...	3	...	11	...	...	10	1		
Peshávar, ...	...	...	...	...	...	...	...		
Hazárá, ...	...	...	...	...	...	...	...		
Kohát, ...	2	...	4	...	...	4	...		
TOTAL, ...	3	...	420	...	...	387	33		

Proceedings of the Hon'ble the Lieutenant-Governor, Punjab, in the Home Department.—No. 144 ∞, dated the 24th April 1872

READ—

Annual Report on the Administration of Criminal Justice in the Punjab or the year 1871, received from the Registrar of the Chief Court on the 18th April 1872.

REMARKS.—The Hon'ble the Lieutenant-Governor desires to acknowledge the promptitude with which the present report has been prepared, printed and submitted, and trusts that the example which the Chief Court has set may be followed by the heads of other departments.

2. The increase in the number of offences brought to trial during the past year has been marked, being 61,596 against 55,339. If the condition of crime ten years ago, when the regular system of law was introduced into the province, be compared with that now existing, the result is at first sight startling,—the total number of offences having nearly doubled, rising from 34,239 in 1862 to 61,596 in 1871. But, as compared with the year 1869, there is a marked decrease in non-bailable offences; whilst during the past year the increase in these has only been half a per cent., but in bailable offences 16 per cent.

3. An analysis of the causes which have induced the increase in cases cognizable by the police will belong more appropriately to the review of the Police Report, and it is sufficient to note here that reliable conclusions cannot be drawn from statistics unless they are accompanied with full explanation of those disturbing causes which may have influenced the increase or decrease of recorded crime.

Of the 61,596 offences brought to trial during the past year, one-third were offences under local and special laws, gambling, cattle trespass, Police Cantonment and Municipal Acts, which go to swell the total of offences, yet do not represent any portion of the real crime of the country, and ten years ago would not have appeared in the statements at all.

5. The reduction in the percentage of cases struck off on the report of the police is, in the opinion of the Lieutenant-Governor, a sign of more honest and careful work.

6. The percentage of convictions in serious cases is reasonably high. To this remark Pesháwar, in the matter of violent crime, remains a discreditable exception. In 93 cases of murder committed in that district during the past year, almost the whole committed by British subjects, the identification and apprehension of whom should not have been impossible, only five persons were sentenced to death, five to transportation for life, and one for a term of years. This result means simply that in the Pesháwar District the sympathy of the population generally is with the murderer, and that, although he is often well known to the whole of the village community, there is a common consent to keep back evidence and baffle justice. The Lieutenant-Governor looks to the Pesháwar authorities to bring this state of things to an end. He refuses to believe that murder is a crime which cannot be included among preventible offences. Putting aside, as must reasonably be done, a certain percentage of murders as due to the ungovernable passions of a fierce and excitable race, there remains the great majority which would never have been perpetrated at all had not the assassins known that the sympathy of the people was on their side, and that the danger of detection and punishment was infinitesimal. This immunity from punishment must cease, and in the new frontier rules, prepared with great care, and which have been issued with the sanction of the Government of India, large powers are placed in the hands of the Magistrates to punish heavily village communities harbouring offenders and concealing crime. The power which the Lieutenant-Governor has obtained for frontier officers he looks to be used with judgment and caution, but also with energy and no false leniency. The condition of Pesháwar is a disgrace to the administration, and the officers in authority there must exert themselves to remedy it.

7. In addition to the large powers given to the Magistrates, adultery has been declared to be in the woman a criminal offence.

This legal action is justified by the frequency of murders owing to the infidelity of wives, and by the custom of the frontier, though its efficacy in diminishing murder can only be proved by experience.

8. The Lieutenant-Governor observes that prosecutions for giving false evidence are very rare, and he is disposed to think that the Courts act discreetly in not pressing any but the worst cases. Indeed, the contradictions and transparent falsehoods of witnesses often carry more weight with English Judges than is reconciliable with equity and a knowledge of the character of the people. A case may be in the main true, and would win on its merits alone, but an ignorant witness, doubtful of the procedure of the Courts, and anxious to make his story fit the opinion which he perceives the Judge has formed, embellishes it with imaginary incidents, which are dissipated under cross examination, or contradicted by other witnesses, and the case is dismissed, the Judge believing, what is by no means necessarily correct, that a story must be false which the witnesses seek to establish with the assistance of falsehood. It is rather by a patient study of the character of the people and an intimate acquaintance with their habits and modes of thought, than by the application of general principles of evidence, that a Magistrate can hope to discriminate between truth and falsehood in an Indian Law Court.

9. In the distribution of offences the Pesháwar Division largely heads the list, with 12·2 per 1,000 of the population tried during the year, though its average, if not bailable offences alone are considered, is not appreciably higher than the Deraját, Multán, or Lahore. The Pesháwar District, however, taken alone shows a much higher average of serious crime.

10. The percentage of convictions and committals being much the same as in 1870, calls for no remark. The large increase of acquittals of 17 per cent. and decrease of convictions in the Court of the Sessions Judge of Pesháwar is unsatisfactory, and His Honor will await with interest the result of the special enquiries which the Judges of the Chief Court have instituted on the subject.

11. The state of the criminal files at the close of the year is highly creditable to the Magistrates and Sessions Judges,—the number of appeals pending being exceedingly small.

12. In the remarks of the Judges on the subject of compensation, in paras. 72-77 of the Report, His Honor entirely agrees, and is glad to understand that the practice of giving compensation is appreciated on the frontier, where it especially commends itself to the sentiments of the people.

13. The effect of the change in the manner of recording evidence, under this Government No. 1787, dated 23rd December 1870, requiring Native Magistrates to take down the evidence of witnesses in their own hand writing, may no doubt be the cause of inconvenience in the case of some officers. The rule, as a general one, the Lieutenant-Governor would maintain, believing that its principle is sound, and that its necessity had been proved by the laxity of procedure in the Courts of Native Magistrates; but he is willing that the Judges of the Chief Court should have a discretion to relax it in the case of officers of known industry and conscientiousness, or when a Court, for special reasons, is overburthened with work.

14. It is no doubt appropriate to add solitary confinement to the sentence of prisoners condemned to rigorous imprisonment, but unfortunately at present the jail accommodation of the province for carrying out the requirements of the law in the matter of solitary confinement, even as now awarded, is altogether insufficient, though the matter has received the attention of the Government, and each year as many solitary cells are being constructed as available funds will allow.

15. His Honor is glad to observe that the amount of fines realized is much higher than in previous years in the District Courts, though the results in the Courts of Sessions Judges are most unfavorable, and their particular attention should be directed to the matter.

16. The power given to Magistrates by the law to compel bad or dangerous characters to give security or recognizances to keep the peace, or for good behaviour, is a valuable one and should be fully used, though with discretion, and after full enquiry, not merely on the report of the Police. The substitute for it in warning notorious bad characters or vagrant bands to leave the district

is less effectual, as it merely removes the criminals from a place where they are known and under supervision, to another where they are unknown and where no efficient supervision is possible.

17. The improvement in the character of the cases prepared by Canal Officers is noticed by His Honor, and he has pleasure in endorsing the very favorable estimate formed by the Chief Court of the services rendered by Honorary Magistrates. The Lieutenant-Governor believes that these gentlemen work with much care and industry, and that there decisions give generally satisfaction to the people.

18. The subject of the detention of witnesses has received the attention of the Chief Court, and this its importance fully deserves. The popularity of the Courts very much depends upon care taken to detain witnesses for no longer a time than is absolutely necessary.

19. On the subject of assessors the opinion of His Honor was last year recorded, and he is glad to observe that the advantage of their employment is being more recognized by Judicial officers. In the remarks of the Judges in para. 184 the Lieutenant-Governor concurs. Assessors will be found of use in proportion as Judges take care to encourage their independence, and to explain to them the points on which their opinion is required. The revision of the lists of assessors should continue to receive attention, and the same men should not be summoned so frequently as to make the duty of attendance an irksome one.

20. The subject of the Track Law and the employment of professional trackers has during the past year received considerable attention. The great increase of cattle thefts has made the subject one of increasing importance, and the Lieutenant-Governor trusts that it may receive the continued care of District Officers.

21. The promptitude with which cases have been decided and the general results of the criminal work of the year, are creditable to the zeal and energy of the Magistrates of the province, to whom the Lieutenant-Governor offers his cordial acknowledgments.

To the Judges of the Chief Court the Hon'ble the Lieutenant-Governor would offer his thanks. Their careful supervision is each year rendering the action of the subordinate Courts more precise and prompt, and the results already attained give good promise for the future.

ORDERED, that copy of the foregoing remarks be forwarded to the Officiating Registrar, Chief Court, for the informatian of the Judges, and for annexure to, and circulation with, the Report.

By order of the Hon'ble the Lieutenant-Governor,

LEPEL GRIFFIN,

Offg. Secretary to Government, Punjab.

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